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THE FACTORY AND WORKSHOP ACT 1901

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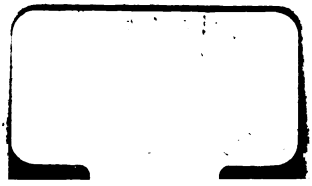

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THE

FACTORY AND WORKSHOP ACT, 1901:

Its General Effect and Parliamentary History,

WITH NOTES AND OTHER INFORMATION

(INCLUDING THE FULL TEXT OF THE ACT)

FOR THE GUIDANCE OF

EMPLOYERS OF LABOUR AND OTHERS.

BY

C. WILLOUGHBY WILLIAMS, B.A.,

Of Lincoln's Inn, and of the South Eastern Circuit,

Barrister-at-Law.

AND

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Assistant Secretary to the London Chamber of Commerce.

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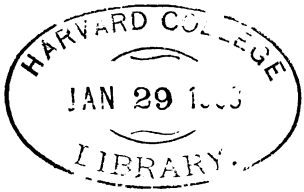

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TO THE CHAIRMAN,

(WILLIAM EASTMAN, ESQ.)

AND THE

MEMBERS OF THE MANUFACTURERS' SECTION

OF THE

London Chamber of Commerce (Incorporated,)

THIS LITTLE WORK IS

(*By kind permission*)

RESPECTFULLY DEDICATED

BY

THE AUTHORS.

"Knowledge is of two kinds. We know a subject ourselves, or we know where we can find information upon it."

(BOSWELL, *Life of Johnson.*)

TEMPLE,

LONDON, *February*, 1902.

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PREFACE.

The Factory and Workshop Act, 1901, is an advance on previous legislation of a similar kind. It is a measure of considerable economic importance, and will have far-reaching effects. Not only does it confirm and consolidate the bulk of the old law, but it largely extends the state regulation of industry as regards health, sanitation, safety, hours of labour and other matters. The Act is also directed against the evils of "sweating," which are condemned alike by the best class of employers of labour and by social reformers, and it is to be hoped that legitimate industry will not suffer by the general application of the prescribed remedies. It throws additional responsibilities upon the Home Office and the Local Sanitary Authorities, and increases the statutory obligations of manufacturers in many material respects.

Any guide to an Act which came into operation on the 1st of January, 1902, must at present be necessarily incomplete. It should be borne in mind that the administration of the law is mainly vested in the Home Office, the Factory Inspectors and the Local Sanitary Authorities, whose powers are largely exercised without the possibility of effective appeal against them. Many of their powers are purely discretionary; but some may be enforced by a Court of Summary jurisdiction.

The Authors do not claim to have produced a complete text book of the Act. Their design is to show in simple language its effect as a whole, the principal changes that have been made in the Law, and the manner in which the measure passed through Parliament. They appeal to the

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consideration of laymen rather than lawyers; to those who are subject to the law rather than to its administrators; to practical every day readers rather than to political economists. Their task is lightened now that existing Factory legislation is embodied in one statute which, as such things go, is more comprehensive and less obscure than usual. The text of the Act is reproduced in full, and the new or modified portions are, so far as practicable, shown in italics. This feature in itself should be useful to those who prefer to read the Act without the aid of notes or comments, though these are added.

The importance and magnitude of the interests involved are shown by the Report of the Chief Inspector of Factories and Workshops for the year 1900, in which it is stated that the number of Factories on the District Registers was 95,664, and of Workshops 137,648. The persons employed therein may be counted by millions and their number is ever increasing. An Act affecting so many of His Majesty's subjects should possess a wide public interest, and if the present work assists in making it better known, the authors will be amply repaid for their modest contribution to the Literature of the subject.

C. W. W.
C. E. M.

TEMPLE, LONDON,
February, 1902.

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L.T.	*Law Times* Reports, New Series, 1859-1901.
1891, etc., Q.B.	Law Reports, Queen's Bench, 1891-1901.
S.	Section.
Subs. or SS.	Subsection.
S. 1 (2).....	Section 1, Subsection 2.
W.R......	Weekly Reporter 1853-1901.

Ante, Before. **Post**, After. **Supra**, Above.
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PART I.

EFFECT OF THE ACT.

The Act mainly deals with the following matters in relation to employment in Factories and Workshops, viz :—

Health, Safety, Accidents.

Employment (Women, Young Persons and Children) as regards hours, holidays, overtime, night work and fitness for employment.

Education of Children employed.

Dangerous and unhealthy industries.

Special modifications and extensions in certain industries.

Home Work

Administration.

Legal Proceedings.

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PART I.

EFFECT OF THE ACT.

The Act deals chiefly with (1) **factories** and (2) **workshops.**

I.—FACTORIES.

Factories are divided into (*a*) textile factories; (*b*) non-textile factories; and also into (*c*) tenement factories; (*d*) domestic factories. Factories.

(*a*) TEXTILE FACTORIES are premises whereon mechanical power is used to work machinery in preparing, manufacturing or finishing either separately or mixed together, or mixed with any other material, Textile Factories.

Cotton.	Jute.
Wool.	Tow.
Hair.	China Grass.
Silk.	Cocoa-nut fibre, or similar
Flax.	materials (S. 149).
Hemp.	

(*b*) NON-TEXTILE FACTORIES are divided into three classes: Non-Textile Factories

(i.) Print works.

Bleaching and dyeing works.	Foundries.
Earthenware works.	Metal and Indiarubber works.
Lucifer match works.	Paper mills.
Percussion cap works.	Glass works.
Cartridge works.	Tobacco factories.
Paper staining works.	Letterpress printing works.
Fustian cutting works.	Bookbinding works.
Blast furnaces.	Flax Scutch mills.
Copper mills.	Electrical stations
Iron mills.	(s. 149 and Schedule VI., Part I.)

(ii.) The following premises if mechanical power is used to aid the manufacturing process, viz.:

Hat works.	Lace warehouses.
Rope works.	Shipbuilding yards.
Bakehouses.	Quarries.

Dry cleaning, carpet beating and bottle washing works.

(iii.) Premises whereon manual labour is exercised by way of trade or for gain in making, altering, repairing, ornamenting, finishing, or adapting for sale any article, if mechanical power is used in aid of the manufacturing process. (s. 149 and Schedule VI., Part II.)

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Tenement Factories

(*c.*) TENEMENT FACTORIES are factories where mechanical power is supplied to different parts of the same building which are occupied by different persons for the purpose of any manufacturing process or handicraft so as to constitute separate factories. (s. 149). They may be either textile or non-textile.

Domestic Factories.

(*d*) DOMESTIC FACTORIES are private houses, rooms, or places which, though used as dwellings, are factories by reason of the work carried on, if no mechanical power is used to aid the manufacturing process, and the only persons employed are members of the same family living there (s. 115). They may be either textile or non-textile.

The provisions relating to factories are shortly as follows:—

Health.

Factories

FACTORIES must be kept clean, free from effluvia, must not be so overcrowded as to be injurious to health, must be ventilated, and all the inside walls and the passages and staircases must be limewashed every 14 months, or if painted or varnished may be washed instead. But the Home Secretary may exempt special classes of factories from being limewashed or washed (s. 1). The above does not apply to domestic factories, (s. 111). As regards overcrowding there must be at least 250 cubic feet of space to each person employed, and during overtime 400 cubic feet, subject to modification in certain cases by the Home Secretary, (s. 3).

Where lead, arsenic, or other poisonous substances are used, proper lavatories and meal rooms are to be provided, (s. 75).

A proper temperature must be maintained, and the Home Secretary may order thermometers to be kept in any class of factories specified, (s. 6).

Sufficient ventilation is to be maintained, and the Home Secretary may prescribe a standard for any class of factories, but there is power for the court to apportion the expense between the occupier, who is primarily liable, and the owner, (s. 7).

Provision is made for ventilation by a fan where, dust, gas, vapour, or other impurity, are inhaled to an injurious extent, (s. 74).

Where floors are wet they must be drained, (s. 8).

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Sufficient sanitary conveniences must be provided, and the Home Secretary is to determine what are sufficient, (s. 9). This provision does not apply to the County of London, where there is other similar power, nor to any place where the Public Health Acts Amendment Act, 1890, has been adopted, which gives similar power by s. 22. Factories (Health).

The penalty for non-observance of any of these provisions is a fine not exceeding £10, and on subsequent conviction within two years not less than £1 for each offence, (s. 135).

COTTON CLOTH FACTORIES are put under further special regulations. They must have two sets of standardised wet and dry bulb thermometers which must be read three times a day, (s. 92), and the amount of moisture must not exceed that shewn in Schedule IV. Also the temperature must not be raised by artificial means above 70° except to give humidity, (s. 90); and power is given to the Secretary of State to alter the table of humidity, (s. 91). Wherever humidity is artificially produced notice must be given to the inspector, and an inspection made, (s. 93). There are also regulations as to the supply of drinking water; as to covering steam pipes; that the amount of carbonic acid in the air shall not be greater than 9 in 10,000 where humidity is produced by artificial means except by gas for lighting; that the roof shall be whitewashed once a year; and that suitable cloak rooms shall be provided, (s. 94). In case of non-compliance the inspector is to give written notice, and in case of further non-compliance or repetition within a year the occupier is liable to a fine not less than £5 nor more than £10 for a first offence, and not less than £10 nor more than £20 for a succeeding offence, (s. 95). These provisions with some modifications apply also to other humid factories, (s. 96). Health in Cotton Cloth Factories.

In cotton cloth tenement factories the owner is, if the Secretary of State so directs, to be substituted for the occupier for the purpose of the provision as to temperature, and the regulations in s. 94, (s. 87 (3)).

BAKEHOUSES are also put under further special provisions:— They must comply with stringent regulations as to sanitary matters which deal with sanitary conveniences, water supply and drains (s. 97), and there are special penalties for insanitary condition (s. 98). There are also provisions for lime-washing, painting and washing (s. 99), and as to sleeping places near, (s. 100). Underground bakehouses are prohibited unless in use on August 17th, 1901, and after January 1st, 1904, must be certified as suitable by the District Council, but there is Health in Bakehouses.

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Factories (Health)

power to the Court to make the owner pay part of the cost of any necessary alterations or to rescind the lease (s. 101). These provisions are to be enforced by the District Council and not by the inspectors (s. 102).

Health in Tenement Factories.

In TENEMENT FACTORIES the owner is responsible for cleanliness, freedom from effluvia, overcrowding, ventilation, and the lime-washing or washing of any engine-house, staircase, or passage, or any room let to more than one tenant (s. 87). The owner is also made responsible for the prevention of the inhalation of dust, gas, vapour, or other impurity, so far as regards pipes, &c., for working a fan (s. 87 (i) (iv.)); and where grinding is carried on he is responsible for the carrying out of certain regulations and must provide communication between the workrooms, and the engine room and boiler house; and he, as well as the occupier, is made responsible for the horsing chains and hooks (s. 88).

Health in Domestic Factories

DOMESTIC FACTORIES, as regards sanitary condition, are put under the same provisions as workshops, which see *infra*, the affect of which is that in some cases they are controlled by the sanitary authorities, instead of inspectors under the Act, (ss. 1 and 2). Further the above provisions as to means of ventilation, drainage of floors, and thermometers do not apply to them, (s. 111 (3) (*e*)).

Safety.

All hoists, teagles, water-wheels, engines, and dangerous parts of machinery, must be kept fenced (s. 10) under a penalty not exceeding £10, and for a second conviction within two years not less than £1 for each offence (s. 135).

All steam boilers must have proper safety valves and steam and water gauges, and be examined by "a competent person" at least once every 14 months, (s. 11), under a similar penalty.

In factories erected on or after January 1st, 1896, the traversing carriages of self-acting machines must not run out less than 18 in. from any fixed structure not part of the machine where persons are liable to pass, under a similar penalty, but self-acting cotton or woollen spinning machines are allowed to run out not less than 12 in. from the head stock of any other such machine (s. 12).

No person may be in the space between the fixed and traversing parts of a self-acting machine unless it is stopped on the outward run, and no woman, young person or child may work between the fixed and traversing part of any self-acting machine while in motion by mechanical power

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s. 12 (3)). Children must not clean any part of any machinery, or any place under any machinery except overhead mill gearing, while it is in motion under mechanical power; young persons may not clean the dangerous part of any machinery while in motion under mechanical power; and women or young persons must not clean mill gearing while in motion (s. 13), under a penalty not exceeding £3, or at night £5, each person, and on a second conviction not less than £1 for each offence (s. 137). Factories (Health).

All factories commenced to be built after January 1st, 1892, in which more than 40 persons are employed must be certified by the District Council as being provided with such means of escape from fire as are reasonably necessary (s. 14(1)), under a penalty not exceeding £10, and on a subsequent conviction within two years not less than £1 for each offence (s. 135); and all factories begun before January 1st, 1892, in which more than 40 persons are employed may be required by the District Council to provide such means under a penalty not exceeding £1 a day for non-compliance, but in the latter case there is provision for arbitration in case of dispute (s. 14 (2) and (3). See also note to section 14.

All District Councils have power to make byelaws providing for means of escape from fire (s. 15).

All doors must be capable of being easily opened from the inside, and in factories begun after January 1st, 1896, the doors of rooms in which more than ten persons are employed are to open outward unless they are sliding doors (s. 16), under a penalty not exceeding £10, and on a subsequent conviction within two years not less than £1 for each offence (s. 135).

The Court may prohibit the use of any ways, works, machinery and plant which are dangerous (s. 17), and it may under some circumstances prohibit the use of any unhealthy or dangerous factory, under a penalty not exceeding 40s. a day during contravention.

The penalties in all these cases fall on the occupier, except that in tenement factories the owner is made responsible for the fencing of machinery except when it is provided by the occupier, (s. 87 (1) (ii.)), and for the provision of means of escape from fire, (s. 14 (7)). Safety in Tenement Factories.

Domestic factories differ only in that the penalty for employing a person contrary to the provisions of the Act is one not exceeding £1 or at night £2, that on a subsequent conviction within two years being the same, (s. 137). Safety in Domestic Factories.

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Accidents.

Factories.

In case of accident causing loss of life to a person employed, or injury such as to prevent the person employed from working five hours on any of the three working days afterwards notice is to be sent to the inspector, and where there is loss of life and in certain other cases to the certifying surgeon, by the occupier under a penalty not exceeding £5, and if the occupier is not the employer, the employer must report it to the occupier under a similar penalty, (s. 19). Where the Home Secretary thinks fit an inquiry may be held, (s. 22).

The provisions as to notices of accidents do not apply to domestic factories, (s. 111 (3) (*d*)).

Employment.

The Act deals with children, young persons, and women only for this purpose, and defines children as persons under 14 years, young persons as persons between 14 and 18 years, and women as females over 18, but children who have attained an educational standard to be fixed by the Secretary of State are to be deemed young persons, (s. 156). Children under 12 are not allowed to be employed at all, (s. 62), nor are females within four weeks after childbirth (s. 61), and young persons under 16 or children must not be employed for more than 7, or, if the certifying surgeon lives more than three miles from the factory, 13 work days, without a certificate of fitness (s. 63)

Employment in Textile Factories.

(*a*) TEXTILE FACTORIES—women and young persons may be employed from 6 a.m. to 6 p.m., or from 7 a.m. to 7 p.m., and on Saturday if not less than one hour is allowed for meals from 6 a.m. to noon in any manufacturing process, and from 6 a.m. to 12.30 p.m. in any other employment, or if less than one hour is allowed for meals from 6 a.m. to 11.30 a.m. in any manufacturing process, and from 6 a.m. to noon in any other employment. But where on Saturday the employment begins at 7 a.m. it is to end at 12.30 p m. in any manufacturing process and at 1 p.m. in any other employment. Not less than two hours are to be allowed for meals and not less than half an hour on Saturday, and they may not be employed for more than 4½ hours without ½ hour for a meal. (s. 24).

Women and young persons may not except during the period of employment be employed outside a factory on any day on which they are employed inside both before and after dinner, and if they are employed in a factory and also in a shop on the same day the whole employment must not be longer than

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allowed inside, but the Home Secretary may exempt special classes of factories from this provision (ss. 31 (2), (3) and 46). Textile Factories (Employment.)

Children may be employed in textile factories only in morning or afternoon sets or on alternate days. Their employment in a morning set must begin either at 6 a.m. or 7 a.m. and end at 1 p.m., or at dinner time if dinner begins before 1 p.m., or if dinner time does not begin before 2 p.m., at noon. Their employment in an afternoon set must begin at 1 p.m., or at any later time at which the dinner time ends, or if the morning set ends at noon and the dinner time does not begin before 2 p.m., must begin at noon, and end at 6 or 7 p.m. On Saturday children can only be employed as if they were young persons. Children must not be employed in a morning set for two successive periods of 7 days, or in an afternoon set also, nor on two successive Saturdays, nor on any Saturday if they have been employed on any other day in the same week for more than $5\frac{1}{2}$ hours (s. 25).

Children employed on the alternate day system may be employed as if young persons, but must not be employed two successive days or on the same day of the week in two successive weeks (s. 25 (6)). They must not be employed for $4\frac{1}{2}$ hours without at least $\frac{1}{2}$ hour for a meal, (s. 25 (7)). Children must not be employed outside on the same day as they are employed inside except during the period of employment, but the Home Secretary may exempt special classes of factories from this provision (ss. 31 and 46).

Meal times for women and young persons and children are to be simultaneous and employment during meal times is forbidden except in certain employments and in classes of factories excepted by the Home Secretary (s. 33 and 40).

The penalty for a breach of any of the above provisions as to employment is a fine not exceeding £3, or at night £5, for each person, or in the case of domestic factories, £1 or £2, and in any case on a subsequent conviction within two years, not less than £1 for each offence (s. 137).

Women, young persons and children are to have Christmas Day, Good Friday, and Bank Holidays, or others in lieu, allowed as holidays, (s. 35), and notice of these must be affixed in January, under a penalty not exceeding £5, (s. 35 (6)).

In the parts of a textile factory where mechanical power is used to make lace, male young persons above 16 may be employed between 4 a.m. and 10 p.m. under certain restrictions (s. 37), and under similar penalties to those given above.

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Textile Factories (Employment.)

In textile factories solely used for making elastic web ribbon or trimming, women, young persons, and children may be employed for 5 hour spells between November 1st and March 31st, under certain conditions, and under similar penalties, and this list of factories may be extended by the Secretary of State (ss. 39 and 58).

Special provisions are made for hours and holidays in the factory of a Jewish occupier, and for Sunday employment of Jews in such factories (ss. 47 and 48).

In every textile factory particulars of work and wages are to be given to all the pieceworkers, and published in the rooms, and this provision may be extended to any class of non-textile factories or workshops and to outworkers by the Secretary of State The penalty for non-compliance is a fine not exceeding £10, and on a subsequent conviction within two years not less than £1. There are also penalties for disclosing these particulars (s. 116).

Women, young persons and children must not be employed where there is wet spinning, unless means are employed to prevent them from being wetted and to prevent steam from escaping (s. 76).

Overtime for women is allowed under certain conditions in any part of a textile factory which is a warehouse not used for any manufacturing process, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods (s. 49 and Schedule II. (4)).

Employment in Textile Domestic Factories.

TEXTILE DOMESTIC FACTORIES as regards employment are regulated by provisions exclusively applicable to them. There is no restriction on the employment of women. Young persons may be employed from 6 a.m. to 9 p.m. and on Saturday from 6 a.m. to 4 p.m., with meal times not less than 4½ hours and 2½ hours. Children may be employed from 6 a.m. to 1 p.m., or from 1 p.m. to 8 p.m., or on Saturday to 4 p.m., but they must not be employed before 1 p.m. in two successive periods of seven days, nor after 1 p.m. in two successive periods of seven days, and on Saturday they may not be employed before 1 p.m. if on any other day in that week they have been employed before 1 p.m., nor after 1 p.m. if on any other day in the week they have been employed after 1 p.m., also they are not to be employed for more than five hours without at least ½ hour for a meal. As regards certificates of fitness, they are on the same footing as workshops (s. 111). But, if any process certified to be dangerous is carried on in a domestic factory, the Act applies as if the place were a factory (s. 112).

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(*b*) NON-TEXTILE FACTORIES. In non-textile factories women and young persons may be employed from 6 a.m. to 6 p.m., or from 7 a.m. to 7 p.m., or from 8 a.m. to 8 p.m., and on Saturday from 6 a.m to 2 p.m., or from 7 a.m. to 3 p.m., or from 8 a.m. to 4 p.m., with 1½ hours for meals, and on Saturday ½ hour, and women and young persons are not to be employed, for more than 5 hours without ½ hour for a meal, (s. 26). Factories (Employment.)

Women and young persons may not except during the period of employment be employed outside a factory on any day on which they are employed inside both before and after dinner, and if they are employed in a factory and also in a shop on the same day the employment must not be longer than allowed inside, but the Home Secretary may exempt special classes of factories from this provision (ss. 31 and 46).

Children may be employed only in morning or afternoon sets, or on alternate days where two hours at least are allowed for meals, (s. 27).

Children employed in a morning set may be employed including Saturday from 6, 7, or 8 a.m. till 1 p.m., or if dinner time begins before 1 p.m. till dinner time, or if dinner time does not begin before 2 p.m., till noon, (s 27.)

Children employed in an afternoon set may be employed including Saturday from 1 p.m., or from any hour later than 12.30 at which dinner time terminates, or if dinner time does not begin before 2 p.m. and the morning set ends at noon, from noon; the employment must end on Saturday at 2 p.m., and on other days at 6, 7, or 8 p.m. according as the morning set began at 6, 7 or 8 a.m. But children may not be employed in a morning set in two successive periods of seven days, or in an afternoon set also, nor may they be employed on Saturday in any week in the same set in which they have been employed on any other day of the same week, (s. 27).

Children employed on alternate days may be employed from 6 a.m. to 6 p.m., or from 7 a.m. to 7 p.m., or from 8 a.m. to 8 p.m., and on Saturday from 6 or 7 a.m. to 2 p.m. or from 8 a.m. to 4 p.m. (s. 27).

The children are to have two hours for meals and half an hour on Saturday, and must not be employed on the same day of the week in two successive weeks (s. 27).

Children must not be employed outside on the same day as they are employed inside except during the period of employment, but the Home Secretary may exempt special classes of factories from this provision (ss. 31, 46 and 58).

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Non-Textile Factories (Employment.)

The meal times of women, young persons and children are to be simultaneous except in the case of blast furnaces, iron mills, paper mills, glass works, letterpress printing works, or parts of printing or bleaching and dyeing works; and employment during meal times is forbidden, except in iron mills, paper mills, parts of glass works, or letterpress printing works. But the Secretary of State has power to extend these exemptions to other classes of factories (ss. 33, 40 and 58).

In printing works, and bleaching and dyeing works the employment of women young persons and children is the same as in textile factories except that they may be employed for five hours without half an hour for a meal (s. 28).

Where women or young persons have not been employed for more than eight hours on any day in a week they may be employed after notice to the inspector on the Saturday from 6 a.m. to 4 p.m. with an interval of not less than two hours for meals (s. 30).

The same holidays are to be allowed to women, young persons and children as in the case of textile factories (s. 35).

The Home Secretary may in the case of special classes of factories where the customs or exigencies of the trade require allow work on any day except Saturday to be from 9 a.m. to 9 p.m., and in that case the morning set for children is to begin at 9 a.m. and the afternoon set to end at 8 p.m. (ss. 36 and 58).

In the parts of bakehouses in which baking bread is carried on male young persons above 16 may be employed between 5 a.m. and 9 p.m. under certain conditions (s. 38).

Women and young persons employed in preserving and curing fish, are exempt from the provisions as to employment, times for meals, and holidays, and also those employed in cleaning and preparing fruit during June, July, August and September, but the latter exception is subject to conditions to be imposed by the Secretary of State (s. 41).

In the case of creameries the Secretary of State may vary the beginning and end of employment of women and young persons, the times for meals, and holidays, and allow their employment for not more than three hours on Sundays and holidays, but the daily or weekly maximum must not be exceeded (s. 42).

The Home Secretary may substitute another day for Saturday in classes of non-textile factories, in which the customs or exigencies of trade require (s. 43).

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In Turkey red dyeing women and young persons may be employed till 4.30 on Saturday, but the week's limit must not be exceeded (s. 44). Non-textile Factories (Employment)

The Home Secretary may allow holidays on different days for any of the women, young persons and children or for different sets in classes of factories in which the customs or exigencies of the trade require it (s. 45).

Similar provision is made as in the case of textile factories for hours and holidays in a factory with a Jewish occupier, and for the Sunday employment of Jews therein (ss. 47 and 48).

In the following non-textile factories women may be employed from 6 a.m. to 8 p.m., or from 7 a.m. to 9 p.m., or from 8 a.m to 10 p.m., on any day except Saturday, if not less than two hours are allowed for meals, ½ hour being after 5 p.m., but a woman must not be so employed more than three days in a week, or more than 30 days in a year: Flax scutch mills, factories in which bricks or tiles not being ornamental tiles are made or finished, the open air part of rope works, open air bleaching or Turkey red dyeing works, glue making works, letterpress printing works, bookbinding works, lithographic printing works, machine ruling works, firewood cutting works, bon-bon and Christmas present making works, almanac making works, valentine making works, envelope making works, aerated water making works, playing card making works; works where are carried on the making up of wearing apparel, the making up of furniture hangings, artificial flower making, fancy box making, biscuit making, job dyeing; any part of a factory, whether textile or non-textile, which is a warehouse not used for any manufacturing process or handicraft and in which persons are solely employed in polishing, cleaning, wrapping or packing up goods, (s. 49).

The Secretary of State has power to extend this list where he is satisfied that it is necessary by reason of the material being liable to be spoiled by the weather, or by reason of press of work at recurring periods, or where a business is liable to a sudden press of orders arising from unforeseen events (ss. 49 and 58).

In making preserves from fruit, or preserving or curing fish, or making condensed milk, women may be employed on any day except Saturday from 6 a.m. to 8 p.m. or from 7 a.m. to 9 p.m. if not less than two hours are allowed for meals, of which ½ hour must be after 5 p.m., and they are employed not more than three days in one week, or 50 days in one year, and the Secretary of State has power to extend this list where it is necessary by reason of the perishable nature of the articles (ss. 50 and 58).

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Non-textile Factories (Employment.)

Women, young persons and children may be employed overtime for ½ hour except on Saturday in bleaching and dyeing works, paint works, iron mills not employing male young persons during the night, foundries not employing male young persons during the night, and paper mills not employing male young persons during the night, if the process is incomplete at the end of the period of employment, and the maximum for the week is not exceeded. And the Secretary of State may extend this list where the completion of a process cannot be accurately fixed and the extension is not injurious to health (ss. 51 and 58).

Women and young persons may by special order be employed overtime for certain periods in factories driven by water power which are liable to be stopped by drought or flood (s. 52).

Women and young persons may be employed overtime to prevent damage from spontaneous combustion in Turkey red dyeing, or from extraordinary atmospheric influence in open air bleaching (s. 53).

In blast furnaces, iron mills, letterpress printing works, and paper mills, male young persons of 14 years and upwards, may be employed during the night under certain restrictions, and this exception may be extended by the Secretary of State where it is necessary to employ male young persons during the night, and such employment will not injure their health (ss. 41 and 58).

In glass works male young persons may also be employed at night subject to certain restrictions (s. 55).

Where newspapers are printed on not more than two nights in a week, male young persons above 16 years may be employed at night for not more than two nights a week, if they are not employed more than 12 hours in any 24 hours (s. 56).

The regulations as to women do not apply to flax scutch mills where young persons and children are not employed, which are worked intermittently for not more than six months in any year (s. 57).

Young persons and children may not be employed where mirrors are silvered by the mercurial process, or white lead is made; female young persons and children may not be employed where glass is melted or annealed; girls under 16 must not be employed where bricks or tiles, not being ornamental tiles, are made, or salt is made; and children may not be employed where there is any dry grinding in the metal trade or lucifer matches are dipped (s. 77).

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Women, young persons and children may not take meals or remain during meal times, in any part of glass works where the materials are mixed, flint glass is made, or grinding cutting or polishing is carried on; nor in any part of lucifer match works, where any manufacturing process or handicraft, except cutting wood is carried on; nor in earthenware works in the dippers' house, dippers' drying room and china scouring room; and the Secretary of State may extend this prohibition to any class of factories wherein the taking of meals inside is specially injurious to health (s. 78). Non-Textile Factories (Employment)

The penalty for employment contrary to the provisions of the Act is similar to that imposed in the case of textile factories, which see *ante*.

NON-TEXTILE TENEMENT FACTORIES are under the same provisions as non-textile factories. Employment in Non-Textile Tenement Factories.

Employment in NON-TEXTILE DOMESTIC FACTORIES is regulated by the same provisions as that in textile domestic factories, which see *ante*. Employment in Non-Textile Domestic Factories.

Outworkers.

Lists are to be kept of outworkers employed in classes of work specified by the Secretary of State, under a penalty not exceeding 40/-, and for a subsequent offence not exceeding £5, (s. 107). A district council may in the case of classes of work specified by the Secretary of State give written notice to the occupier of a factory or workshop that work carried on outside for him is being carried on in a place which is injurious or dangerous to health, and if he gives out work to that place after a month he may be fined not more than £10 if the Court so decides (s. 108). The making of wearing apparel where there is scarlet fever or small pox is prohibited under a penalty not exceeding £10 (s. 109), and a district council may prohibit home work where there is infectious disease, under a fine not exceeding £10 in case of contravention (s. 110). Outworkers.

Notices and Abstracts.

Everyone occupying a factory or workshop must within one month of so doing serve on the inspector a notice containing its name and place, his address, the nature of the work, the nature and amount of the working power, and the name of the person or firm under which the business is to be carried on under a penalty not exceeding £5 (s. 127). Notices and Abstracts

The prescribed abstract of the Act must be kept affixed at the entrance of every factory and workshop, and wherever else

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Factories (Abstracts.)

the inspector directs, and also a notice of the name and address of the inspector, of the name and address of the certifying surgeon, of any clock by which the time is regulated, and of every document required by the Act under a penalty not exceeding 40s. (s. 128).

General Register.

General Register.

In every factory and workshop a general register must be kept showing the children and young persons employed; the limewashing; every accident of which notice is required to be sent to the inspector; every special exception of which the occupier avails himself; and such other matters as may be prescribed under a penalty not exceeding £5 (s. 129).

Return.

Return.

The occupier of every factory or workshop must at intervals not less than one nor more than three years, on days to be specified by the Secretary of State, send a return to the Chief Inspector, showing the number of persons employed with such particulars as to their age sex and occupation as the Secretary of State may direct under a penalty not exceeding £10, and the occupier of any place to which any of the provisions of the Act apply must make a like return if required by the Secretary of State under a like penalty (s. 130).

Legal Proceedings.

Legal Proceedings.

In case of death or injury owing to the neglect of the occupier of a factory or workshop, the occupier is liable to a fine not exceeding £100 (s. 136.) The occupier of a factory or workshop may be exempt from a fine if he brings before the Court the actual offender and proves that he himself has used due diligence to enforce the Act, and that the other person committed the offence without his knowledge, consent or connivance; and where an inspector is satisfied that an offence has been committed by some person other than the occupier, that the occupier has used due diligence to enforce the Act, and that the offence has been committed without the knowledge, consent or connivance of the occupier and in contravention of his orders, he must proceed against the offender and not the occupier (s. 141.)

Where the owner or hirer of a machine moved by mechanical power in a factory is not the occupier, the owner or hirer is deemed the occupier as regards any offence against the Act committed in relation to any person employed about the machine and in the employ of the owner or hirer (s. 142.)

Where an offence is repeated from day to day a person is not liable to fines amounting to more than the highest fine

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fixed by the Act for the offence unless the repetition occurs after an information for the previous offence, or the offence is employing two or more persons contrary to the Act (s. 143.) Factories (Legal Proceedings.

Information must be laid within three months after the inspector knows of the offence, and in case of an inquest within two months of the conclusion of the inquest, but in no case later than six months after the commission of the offence (s. 146 (1)).

Regulations for Dangerous Trades.

Regulations for Dangerous Trades.

There is a very important provision viz: that where the Secretary of State is satisfied that any manufacture, machinery, plant, process, or description of manual labour used therein is dangerous or injurious to health, or dangerous to life and limb either generally or in the case of women, children, or any other class of persons he may certify it to be dangerous, and thereupon he may make regulations prohibiting the employment, or modifying or limiting the employment, of all persons, or any class of persons engaged in it, and may prohibit, limit or control the use of any material or process, and may modify or extend any special regulations for any class of factories or workshops: In case of any dispute a public inquiry may be held, (ss. 79-86).

The remainder of the Act deals with the appointment and powers of inspectors (ss. 118-121), the appointment and duties of certifying surgeons (ss. 122-124), &c.

II.—WORKSHOPS.

Workshops are divided into (*a*) Workshops; (*b*) Tenement Workshops; (*c*) Domestic Workshops. Workshops.

(*a*) WORKSHOPS are any of the following premises if they do not amount to factories:—hat works, rope works, bakehouses, lace warehouses, shipbuilding yards, quarries, pit banks, dry cleaning, carpet beating and bottle washing works (s. 149 and Schedule VI., Part II.). Also any premises or room, not being a factory, wherein any manual labour is exercised by way of trade or for gain in making any article or part, in altering, repairing, ornamenting, or finishing any article, or adapting for sale any article, if the employer has the right of access or control (s. 149).

(*b*) TENEMENT WORKSHOPS are any workplaces in which by permission of, or agreement with, the owner or occupier two

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Workshops. or more persons carry on work which would constitute the place a workshop if the persons working were in the employ of the owner or occupier (s. 149).

(*c*) DOMESTIC WORKSHOPS are private houses or rooms which, though used as dwellings, are workshops by reason of the work carried on, in which no mechanical power is used to aid the process, and in which the only persons employed are members of the same family dwelling there (s. 115). But the manual exercise in a private house or room by the family for gain of straw plaiting, pillow lace making, or glove making, does not alone make it a workshop; and this exception may be extended by the Secretary of State where the light character of a handicraft makes it expedient; nor does the manual exercise in a private house or room by the family for gain of the making of any article or part, the altering, repairing, ornamenting or finishing any article, or the adapting for sale of any article, where the labour is exercised at irregular intervals and does not furnish the whole or principal means of living constitute the premises a workshop, (s. 115).

The provisions of the Act relating to workshops are shortly as follows:—

Health.

Health WORKSHOPS are put under the provisions of the Public Health Act, 1875, as regards cleanliness, ventilation, and overcrowding, and must be kept free from effluvia, and may be ordered to be limewashed, cleansed, or purified by the district council (s. 2.) The effect of this is that the sanitary authority is put in control instead of the inspectors under the Act. The provision as to overcrowding is the same as in the case of factories, but here again the sanitary authority is put in control (s. 3), and there is special power given to the inspector where the sanitary authority is in default (s. 5.) The provision as to temperature is the same as in the case of factories (s. 6.) The provisions as to ventilation and drainage of floors are the same as in factories, but contravention of them is made a nuisance under the law relating to public health, and therefore the sanitary authority takes cognizance (ss. 7 and 8.) The provision as to sanitary conveniences is the same as in factories (s. 9.)

DOMESTIC WORKSHOPS are in the same position as domestic factories, and the provisions as to means of ventilation, drainage of floors, and thermometers do not apply (s. 111 (3) (e)) unless a manufacture certified to be dangerous is carried on in them (s. 112.)

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Safety.

The provision as to steam boilers in factories applies also to workshops (s. 11.) Workshops

The enactments as to the provision of means of escape from fire apply to workshops as to factories, except that the distinction is drawn in s. 14 between workshops commenced before January 1st, 1896, and those commenced after January 1st, 1896, for the purposes of arbitration, (ss. 14 and 15.)

The provision as to the doors of a factory opening from the inside applies also to workshops (s. 16), as also the provisions giving the court power to prohibit the use of any ways, works, machinery, or plant which are dangerous (s. 17), and to prohibit the use of unhealthy and dangerous premises (s. 18.)

Accidents.

The enactments as to accidents in factories apply also to workshops (ss. 19-22.) Accidents.

Domestic workshops are exempt from these provisions as well as domestic factories (s. 111 (4) (d)) unless a manufacture certified to be dangerous is carried on (s. 112.)

Employment.

As regards employment workshops are under the same provisions as non-textile factories. There is a special provision as to employment in women's workshops where neither children nor young persons are employed, (s. 29.) Employment.

Domestic workshops are under the same provisions as to employment as domestic factories, (s. 111.)

Other Provisions.

The provisions *supra* as to OUTWORKERS, NOTICES AND ABSTRACTS, GENERAL REGISTERS, and RETURNS in factories apply equally to workshops, and also those as to legal proceedings, except that making the owner or hirer of a machine liable (s. 142.)

Besides factories and workshops there are some special matters dealt with by the Act as follows:—

LAUNDRIES.

LAUNDRIES carried on by way of trade or for gain are specially provided for. The period of employment is not to exceed for women 14 hours, for young persons 12 hours, and for children 10 hours in a day; nor for women and young persons 60 hours, and for children 30 hours, in a week exclusive of overtime for women; women, young persons and children Laundries.

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Laundries.

must not be employed for more than 5 hours without ½ hour for a meal, and they are to have the same holidays as those allowed in factories and workshops, (s. 103 (1) (a) (b) (c)). The provisions as to health, safety, affixing of notices, powers of inspectors, and fines apply to laundries in which mechanical power is used as if they were factories, and to laundries in which such power is not used as if they were workshops, (s. 103 (1) (d)).

The provisions forbidding the employment of women within four weeks after childbirth, and of children under twelve apply, (s. 103 (1) (*f*)).

Women are allowed to work overtime, but not more than two hours in one day, three days in any week, or thirty days in any year, and they must not work more than fourteen hours on any day (s. 103 (2).

Where mechanical power is used there must be a fan or other means of procuring ventilation; stoves for heating irons must be separate from ironing rooms; gas irons emitting noxious fumes must not be used; and the floors must be kept in good condition and drained (s. 103 (3)). Laundries are excepted in which the only persons employed are inmates of any prison, reformatory, or industrial school, or other institution subject to inspection under any Act; or are inmates of a religious or charitable institution; or are members of the same family dwelling there, or in which not more than two persons dwelling elsewhere are employed (s. 103 (4)).

Docks, Buildings, and Sidings.

Docks, Buildings and Sidings.

The provisions as to power to make orders as to dangerous machines; accidents; regulations for dangerous trades; powers of inspectors; and fines in case of death are applied to all docks, wharves, quays, and warehouses (s. 104), to buildings exceeding 30 feet in height which are being constructed or repaired by scaffolding, or in which more than twenty persons not domestic servants are employed for wages (s. 105), and to railway lines or sidings, which are used in connection with a factory or workshop (s. 106).

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PART II.

CHANGES IN THE LAW.

Showing the nature of the principal legislative alterations and extensions made under the Act of 1901, with references to the Sections in which they are contained.

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PART II.

CHANGES IN THE LAW.

Although the Act is a consolidating one, yet it introduces a considerable number of changes, some of great importance. These are dealt with below. On referring to the text of the Act it will be seen that the new provisions are shown in italics or referred to in footnotes.

Health.

Where a workshop or workplace, not being a domestic workshop, is occupied by night as a sleeping apartment the Home Secretary may increase the cubic feet of space allowed for each person (s. 3 (3)).

The Home Secretary is also given greater power of intervening where the local authority is in default as regards sanitary matters (s. 4).

The Home Secretary may direct thermometers to be kept in any class of factories or workshops (s. 6 (2)).

Sufficient ventilation is made compulsory in all factories and workshops, and power is given to the Home Secretary to prescribe a standard, and power is given to a Court of Summary Jurisdiction, where the occupier asserts that the owner ought to bear the cost of providing the means of ventilation, of making the owner bear the whole or part of such cost (s. 7).

Floors in factories or workshops are to be drained where there is sufficient wet to be capable of being drained off (s. 8).

The Home Secretary may determine by special order what are sufficient sanitary conveniences in some cases (s. 9 (2)).

Safety.

Steam boilers are for the first time put under supervision. They must have proper safety valves and steam and water gauges and be examined by a competent person once every fourteen months. This provision besides applying to factories and workshops applies also to any place to which any of the provisions of the Act apply, and will therefore *e.g.* apply to the boiler of a locomotive used in a dock or on a siding not being part of a railway, unless it belongs to a railway company, (s. 11).

The distance between the traversing carriage of a self-acting cotton or woollen spinning machine from the head stock of another is allowed to be 12 instead of 18 inches, (s. 12 (1)).

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Children are not allowed to clean any place under any machinery except overhead mill gearing, (s. 13 (1) (b))

The provision of means of escape from fire is made necessary on and below the ground floors as well as the upper floors of factories and workshops employing more than 40 persons, (s. 14 (1) & (2)), and the means of escape from fire are to be kept in good condition, (s. 14 (6)).

A curious anomaly will be noticed in Section 14:—By Sub-sec. (3) in case of any dispute the difference is to be referred to arbitration, and the provisions of Schedule I are to apply. Clause 17 of this schedule makes provision for payment of costs by the Home Secretary, who cannot be a party to the arbitration, and also speaks of the costs payable by the occupier of a factory, who also is not a party, but makes no provision for the costs of the District Councils which are made parties. This is doubtless the result of altering the provision in the former Act.

The local authority is given power to make bye-laws providing for means of escape from fire, (s. 15.)

Any part of the ways, works and plant (including steam boilers) can be treated as a dangerous structure, and an order made prohibiting its use, as in the case of machinery heretofore, (s. 17).

Employment.

In textile factories the period for work on Saturday is made to end an hour sooner than formerly, (s. 24).

Where notice is given of intention to conduct a workshop on the system of not employing children or young persons, no change can be made until notice has been given to the Inspector, and a change cannot be made oftener than once a quarter except under special circumstances, (s 29 (2)).

When a woman or young person is employed on one day in a factory or workshop and also in a shop, and is employed in the shop outside the period of employment for the factory or workshop, an entry must be made in the general register (s. 31 (4) (b)).

The preservation and curing of fish to prevent its being spoilt, and the cleaning and preparing fruit to prevent its being spoilt in June, July, August and September are no longer altogether exempt from all the provisions of the factory acts, but only from those as to period of employment, times for meals, and holidays, and then only subject to conditions to be imposed by the Home Secretary, (s. 41).

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In creameries employing women and young persons, the Home Secretary may vary the times of their beginning and leaving off work, and may allow their employment for not more than 3 hours on Sundays and holidays, (s. 42.)

In newspaper printing offices the Home Secretary may substitute a day for Saturday in respect of some of the young persons employed, (s. 43.)

Where preserves from fruit are made, fish cured, or condensed milk made, the maximum overtime for women is made 50 days in a year instead of 60 days, and 3 days in a week instead of 5, (s. 50 (1) (b) & (c)).

A notice given to an inspector by an occupier of his intention to work overtime is to be *prima facie* evidence that he has so worked overtime (s. 60 (6)).

A girl is not to be employed within four weeks of childbirth as well as a woman (s. 61.)

Children under 12 are not to be employed instead of under 11 (s. 62.)

A certificate of fitness for employment may be qualified by conditions (s. 64 (5)), and certifying surgeons are given all the powers of inspectors to examine any process in which a child or young person for whom a certificate is asked is to be employed (s. 64 (6)).

Dangerous and Unhealthy Industries.

Special Provisions.

Meals are not to be taken in any rooms in which lead, arsenic, or other poisonous substance is "used so as to produce dust or fumes," but meal rooms are to be provided (s. 75 (2)).

Regulations for Dangerous Trades.

Power is given to the Home Secretary to certify that any manufacture or plant is dangerous or injurious to health as well as any machinery, process, or description of manual labour as formerly and domestic factories are no longer excepted (s. 79.)

The old system of making regulations for dangerous trades, one of the main features of which was that in case of any dispute the suggested rules were referred to arbitration, is abrogated as from a date to be fixed by the Home Secretary, and the Home Secretary is empowered to make draft regulations and to alter them in case of objection, and, if he does not alter them, unless the objection is withdrawn or appears to him

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to be frivolous, a public enquiry is to be held by some competent person at which all parties may appear and witnesses may be examined on oath. The regulations may apply to all the factories and workshops using the manufacture etc., or to any specified class or may exempt any specified class of factories or workshops absolutely or under conditions. They may apply to tenement factories and workshops and impose duties on occupiers who do not employ any person and on owners. The regulations may prohibit the employment, or modify or limit the period of employment, of all persons, or of any class of persons, in any manufacture, etc., certified to be dangerous, and prohibit, limit, or control the use of any material or process, and modify or extend any special regulations for any class of factories or workshops contained in the Act. They are to be laid before both Houses of Parliament, which may annul all or any of them within 40 days, but in case of annulment of any regulations the Home Secretary may withdraw the whole set (ss. 80-84).

Special Modifications.

All owners of tenement factories are made liable to perform certain duties, and the former exception of occupiers of tenement factories who paid more than £200 a year rent is omitted (s. 87). Occupiers of tenement factories may, instead of must, affix on their tenements the notices as to period of employment, times for meals, and system of employment of children (s. 87 (1)(v.)). In tenement factories used for weaving cloth the Home Secretary may substitute the owner for the occupier for the purposes of ventilation and health (s. 87 (3)).

In cotton cloth factories the thermometers are to be read three times a day instead of two (s. 92 (2).)

In the application of the provisions as to cotton cloth factories to other textile factories in which humidity is artificially produced two readings of the thermometer only are required daily, and the regulations as to health in cotton cloth factories are not to apply, and in cotton spinning mills the regulations as to thermometers in cotton cloth factories are not to apply (s. 96).

Underground bakehouses are not to be used unless so used on August 17th, 1901, when the Act was passed (s. 101(1)), and after January 1st, 1904, must be certified as suitable by the District Council, and are not to be certified unless they are suitable as regards construction, light, ventilation and in all other respects (s. 101(4)).

Underground bakehouses are defined (s. 101(3)). Where the occupier of an underground bakehouse alleges that the

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whole or part of any alterations required before the grant of a certificate ought to be borne by the owner, a Court of Summary Jurisdiction may apportion them as it thinks just, and in the alternative a most extraordinary and, it is believed, unique power is given to the Court of determining the lease at the request of the occupier only (s. 101 (8)).

The Section applying certain provisions as to accidents, etc., to docks, &c., is altered by including the machinery used in "coaling" a ship in the word "factory," and the word "temporarily" is excised. The word "plant" is also defined as including any gangway or ladder used to load or unload or coal a ship (s. 104.)

Certain provisions as to accidents, &c., are applied to lines or sidings, used in connection with a factory or workshop which are not parts of a railway (s. 106.)

Home Work.

Where lists of outworkers are ordered to be kept, copies or extracts are to be sent to inspectors as required instead of on or before March 1st, and September 1st in each year, and copies of lists are to be sent to the District Councils on or before February 1st and August 1st in each year (s. 107 (1) (*b*), and (*c*)). The District Councils are to supply the names and places of employment of all outworkers outside their district to the Council in whose district they are, (s. 107 (2)). The lists kept by the occupier or contractor are to be open to any Inspector and to any officer duly authorised by the District Council, and the copies sent to the District Council, and the particulars furnished by one Council to another, are to be open to any Inspector, (s. 107 (3)). In the case of second or subsequent breaches of these provisions a fine not exceeding £5 may be imposed, (s. 107 (5)).

Where any inmate of a house is suffering from an infectious disease which requires notification, the District Council may forbid work on wearing apparel or such other matters as may be specified by the Home Secretary to be given out to any person living or working in the house (s. 110).

If any manufacture, &c., certified to be dangerous by the Home Secretary is carried on in a domestic factory or workshop, the Act is to apply as if the place were a factory or workshop (s. 112.) The Home Secretary must give such notice of the provisions relating to domestic factories and workshops as he thinks fit (s. 113.)

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Particulars of Work and Wages.

These are to be given to weavers in the cotton trade and posted in each room, thus restoring a provision contained in the Factory and Workshop Act, 1891, which was repealed by the Factory and Workshop Act, 1895 (s. 116 (1) (*b*)). The Home Secretary may apply the provisions as to particulars of work and wages to outworkers (s. 116 (5)).

General Registers.

A register called a general register is to be kept, which, besides the entries already required, is to shew all the special exceptions of which the occupier avails himself, and such other matters as may be prescribed (s. 129 (1) (*d*) and (*e*)). The entries are to be *prima facie* evidence against the occupier, and the omission to make an entry is to be *prima facie* evidence that a provision has not been observed (s. 129 (3)). The register is to be open at all reasonable times to the certifying surgeon (s. 129 (3)).

Returns.

Occupiers of a factory or workshop are to make returns of the persons employed to the Chief Inspector on days to be fixed by the Home Secretary at intervals of not less than one nor more than three years instead of on March 1st of each year (s. 130 (1)), and occupiers of any place to which any of the provisions of the Act apply may be ordered by the Home Secretary to make a similar return to the Chief Inspector (s. 130 (2)).

District Councils are to keep a register of all workshops in their District, (s. 131.)

Medical Officers of health of District Councils are to report on the administration of the Act in workshops and work-places, and to send a copy of the report to the Home Secretary (s. 132.)

Miscellaneous Provisions.

Medical Officers of Health are to give notice to the Inspector of any workshop in which women, young persons and children are employed where no abstract of the Act is affixed only, instead of in any case, (s. 133).

Legal Proceedings.

Where a fine may be inflicted for death or injury, the occupier is not to be liable if a summons for breach of the

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regulation which caused the death or injury has been dismissed before the death or injury was inflicted (s. 136 (*b*)).

Falsely pretending to be an Inspector is made an offence, (s. 139 (*f*)).

A person engaged in the same trade as a person charged with any offence under the Act is not to act as a Justice of the Peace in hearing the charge (s. 144) (5)).

Definitions and Application.

Tenement workshops are defined and brought within some of the provisions of the Act (s. 149(1)).

A part of a factory or workshop can only be considered a separate factory or workshop with the approval in writing of the chief inspector (s. 149(2)).

In case of public emergency the Home Secretary may exempt any factory or workshop in respect of any work being done on behalf of the Crown as well as any factory or workshop belonging to the Crown (s. 150 (1)).

Factories or workshops belonging to or in the occupation of the Crown are not to be excluded from the operation of the Act by reason only that they are not carried on by way of trade or for the purpose of gain (s. 150 (2)).

In the case of a factory or workshop belonging to or in the occupation of the Crown the powers of the Act conferred on district councils or other local authority are to be exercised by an inspector (s. 150 (3)).

In the County of London the London County Council is constituted the authority for making byelaws for providing means of escape from fire (s. 153 (2)).

The power of the London County Council under s. 164 of the London Building Act, 1894, to make byelaws with respect to the means of escape from fire in buildings exceeding 60 ft. in height is extended to all factories and workshops of whatever height (s. 153(3)).

The Councils of the metropolitan boroughs are made the sanitary authorities in the County of London except with regard to the means of escape from fire, as to which the London County Council is the authority (s. 153 (4)).

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The powers conferred on district councils are to be in addition to any other powers they may possess (s. 154)).

Schedules.

In Schedule I, which contains the provisions as to arbitrations, "owner" has been changed for "occupier" in clause (1) as one of the parties to an arbitration, but clause 17 provides for payment of costs by the "occupier." Probably this is a mistake for "owner."

Electrical Stations are included among non-textile factories with certain limitations, Schedule VI. (20).

Dry cleaning, carpet beating, and bottle washing works are included among non-textile factories, Schedule VI. part II (28).

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PART III.

PARLIAMENTARY HISTORY OF THE ACT.

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PART III.

PARLIAMENTARY HISTORY OF THE ACT.

The passing of the Act of 1901 renders it unnecessary to enter at any length into the history of Factory Legislation, though an interesting essay might be written on the subject. All political parties are united in accepting such legislation in principle, and, if reasonably administered, employers and employed equally appreciate its advantages. Strictly speaking the chief of the series of statutes relating to factories generally was passed in 1878, followed by further extensions and amendments of the law which were embodied in the Acts of 1883, 1889, 1891 and 1895. The Act of 1901 is an incorporation in one measure of (1) a Bill introduced by Mr. Ritchie in the Session of 1901 for amending and extending the existing law and (2) of a Bill for consolidating the provisions of all previous statutes.

Parliament and the Bills of 1901.

It cannot be said that the Act of 1901 is a piece of popular legislation in the ordinary sense. At all events it is not the result of widespread agitation or clamour. It is due primarily to the need for consolidating the previously existing statutes and to the desire of the Home Office to strengthen the law where it was weak or doubtful. Legislation had been promised by the Government when Sir Matthew White Ridley (now Viscount Ridley) was Home Secretary, and a Bill which he introduced in 1900 was withdrawn in view of the opposition it encountered from employers and employed. No doubt some of the changes in the law proposed in the Bills of 1900 and 1901, many of which were not acceptable to Parliament, were suggested by Trade Unions, by the experience of factory Inspectors or by such bodies as the London County Council, but seldom, if at all, by Employers of Labour. When the Bill came before the Standing Committee on Trade attempts were made by politicians who delight in economic experiments to carry amendments on points which had been formulated in abortive private members' Bills. The Consolidation Bill afforded opportunities for raising several questions which could not have been dealt with on the Amendment Bill, such for instance as overtime. Some of the most drastic Amendments were distinctly traceable to the influence of the Lady Factory Inspector and her kind. Even if this was not at the

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bottom of the whole business it is a matter of common knowledge that our legislators were under strict feminine observation at all stages of the measure, whether in the Standing Committee on Trade, in the House of Commons itself, or in the Lobbies. The passage of the Bill through the House of Lords proceeded so rapidly that there was little time for observation by anyone. No praise is too high for the Home Secretary's pilotage of the Bill through the Standing Committee on Trade, whose collective proceedings were an object lesson in brevity of speech, knowledge of detail, and business-like aptitude. The few individual exceptions only emphasized the general rule. On the floor of the house it was otherwise and, as will be shown, from first to last the regulation of the National "Washing" arrangements received almost as much attention as all the other points in the Bill. That momentous issue having been decided after a full dress debate, the House by mutual arrangement, disposed of the other clauses of the Bill—in most instances without serious or prolonged controversy. The measure in fact only received the Royal Assent on the last day of the Session. The Amendment and Consolidation Bill (as it became by the mere process of adopting a formal resolution embodying the Amendment and Consolidation Bills in one measure) was reported to the House by the Standing Committee on July 29th. The report stage was taken on the 12th and 13th of August, and in the remaining three days of the Session it passed through both Houses with comparatively slight modification. History is prone to repetition and the circumstances of the Act of 1901 are to some extent parallel with those of the Act of 1895. Both measures were nearly wrecked by a laundry clause; there was a difference of opinion over the washing tub—in the House of Commons. This is how it will strike the superficial observer, although no doubt deep religious convictions, which most people will respect, really lie at the root of the matter Mr. Asquith and the Liberal Government had to decide between the loss of a laundry clause and a Bill of 56 clauses; Mr. Ritchie and his Unionist colleagues were in the same fix, and naturally preferred the Bill of 163 clauses to a new but controversial laundry clause, which might have been their own undoing, though as to this opinions differ. The Act of 1895 was rushed through Parliament in its later stages on the eve of a General Election, both parties preferring, for reasons of their own, a working compromise to a complete measure. The Act of 1901 was pressed forward as a contribution to a somewhat barren social programme in the expiring hours of the Session, many

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useful amendments being dropped, apparently in order to facilitate holiday arrangements. Another Bill to amend the law is probably inevitable before many years have passed, and it must be admitted that the changes in the law which are particularised in the preceding pages are not great in themselves. The real importance of the new Act consists in the effort—easily and successfully accomplished—to codify what was previously involved and obscure to the ordinary lay mind, and in the abolition of the system of legislation by reference to portions of previous statutes which had unavoidably crept into and somewhat marred successive Factory and Workshop Acts. The Act of 1901 is on the whole clear and precise and with some reservations which are treated in these pages, employers and employed can now obtain a larger perception of mutual obligations under the law, while the Home Office officials will probably find their administrative duties facilitated in consequence.

First Reading of the Bills.

The first reading of the Bills was moved by Mr. Ritchie on the 28th March, and some of his remarks are worthy of note as showing how expressed intentions may be modified by expediency or opposition. He explained the main provisions and in what respects they differed from the Bill of 1900, dwelling in the first place on what he proposed with reference to special rules for "dangerous trades." These were in effect that the Secretary of State should be responsible for making them (1) after instituting the fullest enquiry and receiving evidence in public and (2) subject to the rules lying on the tables of both Houses of Parliament for six weeks before they took effect. Substantially Parliament has accepted these conditions. As regards laundries, previously exempted, Mr. Ritchie laid down a principle, with which business men generally will agree, viz: that they should not be worked upon conditions other than those imposed upon ordinary laundries with which they in many cases, competed. He proposed therefore to bring them within the Act, but to insert special provisions to meet objections which had been expressed regarding the inclusion of religious institutions. It may be convenient to add that the Bill, besides the matters already mentioned, dealt with the following amongst others: health and sanitation, steam boilers, safety, bakehouses, electrical stations, etc. (See also "Changes in the law, *ante*.")

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Second Reading of the Bills.

Debates on the motion for the second reading of the Bills took place on the 12th and 17th of June, when a number of members whose names were added to the Standing Committee on Trade, called attention to certain matters of detail in which they were specially interested. The debate was comparatively short, no serious objections being taken to the principle of the Bills and the questions of detail in almost every case were raised by amendments proposed in the Standing Committee, to which both Bills were ultimately referred. The Home Secretary, in giving an outline of the provisions of the Bill, pointed out, *inter alia*, that it required sufficient means of ventilation to be provided in factories and workshops, that the employment of children in cleaning beneath moving machinery should be prohibited, that underground bakehouses should be defined, that electrical works and manufactories of the kind should be included in the Act, that the regulation of dangerous trades should be improved, that more comprehensive legislation in regard to laundries should be enacted, that the sanitary provisions of the Acts should be extended to fruit preserving and fish curing, and that proper sanitary conditions in domestic workshops should be insisted upon by the Sanitary Authorities. The opposition of the Irish Members in regard to the inclusion of laundries conducted by religious institutions, was declared in unmistakable terms. Speaking generally, Sir Charles Dilke and Mr. Tennant pressed for more drastic treatment of manufacturers, the granting of greater powers to the Home Office Authorities rather than the local authorities, the reduction or abolition of overtime, and the curtailment of special exemptions—ideas afterwards embodied in numerous amendments, most of which are happily (from the point of view of their opponents) still outside of the statute book. The former moved and the latter seconded as an amendment: "That while welcoming many of the changes introduced into the present (Amendment) Bill, this House regrets the tendency displayed in the outwork Clauses to transfer power from the Factory Inspectors to the Inspectors of local authorities." The amendment however was withdrawn, and the subsequent debate was confined to criticism and suggestion from several members on such questions as laundries, fruit preserving, fish curing, the inclusion of dockers within the Act, the better notification of accidents and the reduction of overtime. Mr. Asquith welcomed the Bill as a whole but entered into a long exposition of his views on the laundry question, which even at this stage cast a huge shadow over the proceedings, raising a laugh

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by the following quotation from a speech by the Chairman of Kynochs' of Birmingham: "They were inspected and hampered to death at every step. What economies could be effected if the manufacturer could carry on his business free from local boards and byelaws, free from Sanitary Inspectors, free from Smoke Inspectors, free from Chemical Inspectors, free from School Board Inspectors, free from Home Office Inspectors and Factory Inspectors!" There is no need to add the obvious comments with which Mr. Asquith supplemented this quotation, which has enough of truth in it to be seriously received in quarters where the administration of the law, rather than the law itself, is felt to be a legitimate grievance. Nothing in the remainder of the debate needs particularization, because, as already observed, many of the critics reduced their ideas to concrete amendments at a later stage. Suffice it to say that, on the whole, the reception of the Bills was distinctly favourable, and the second reading was carried without a division.

The Standing Committee and the Bills.

The Standing Committee on Trade commenced their consideration of the Bills on the 24th of June and held twelve sittings. The Amending Bill was first discussed, and numerous amendments appeared on the paper. With certain exceptions, which will be noted, the Committee declined to entertain extreme proposals, while the bulk of the amendments made were decided improvements. The division list shows that in the main the opposition to the Bill was conducted by Sir Charles Dilke and Mr. Tennant and "Labour" Members, whose object was to make it more stringent in its application, to increase the powers of the Factory Inspectors, and to impose more onerous conditions upon employers of labour, though it is fair to say that some of their amendments were readily accepted by the majority of the Committee. On the other hand, it was also evident that there was a strong feeling on the part of manufacturers, voiced by Mr. C. B. Renshaw, Sir William Houldsworth and others that in some respects the advisers of the Home Office, in framing the Bill, had not adequately regarded the interests of employers of labour. To meet this, amendments were moved and several concessions were made by the Home Secretary. A surprising number of amendments were placed on the paper by Sir Charles Dilke, Mr. Tennant and their supporters. These two gentlemen were responsible for about a dozen divisions in the course of the discussion, although, as it happened, these had little effect on the ultimate structure of the Bill. It is not suggested that they had any other idea than its improvement

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from their own draconic standpoint, but their action seemed largely based upon the idea that the exigencies of industry must be subordinated to the Act, the whole Act and nothing but the Act. Such also is the conclusion to be derived from constant references which were made to the reports of Factory Inspectors; indeed it was difficult to realise that the Factory Inspector was made for the Act and not the Act for the Factory Inspector. These authorities were often quoted in support of the reduction of overtime. Granted the abuse or the privilege by some individual employers there is no reason why the difficulty of inspection should be got over by total abolition of overtime. A less drastic remedy would be the employment of a "double shift" of Factory Inspectors. The economic effect upon industry is uncertain—probably incalculable—especially during a period of active work in seasons' trades which at other times are working half-time or employing a less number of hands. The Committee first dealt with Clauses 1 to 8, relating to the regulations for dangerous trades, which came first in order in the Amending Bill, though when this was consolidated with the previous Acts the agreed provisions were placed in Part IV. of the new Act. No very material modifications were made, Mr. Ritchie standing firmly to his original proposals. These were generally admitted to be a great improvement on previous or contemplated legislation, although the new machinery proposed to be set up was hardly so favourable to manufacturers as the old system of Arbitration. A noteworthy effort to amend this part of the Bill was made by Mr. Tennant and others who desired to make the regulations apply to all factories connected with industries certified to be dangerous, without power of exemption. This was resisted by Mr. Ritchie on the reasonable ground that if regulations were made for a particular trade there might be certain factories in that trade in which the injurious process forming the subject of regulation was not used. In dealing with questions of this kind the Home Secretary showed himself at his best. He was ever ready with an apt illustration or terse explanation of a practical point which appealed to the common sense of the business men on the Committee, and upset the theories of the doctrinaires. In the course of the first day Mr. T. P. O'Connor, who championed the cause of the "Dockers" in his best Parliamentary manner, moved an amendment with the object of bringing them completely within the scope of the Factory Acts. To Mr. Ritchie's objection that the amendment did not come in quite the right place Mr. O'Connor happily retorted that if it was accepted he would put it in

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any place the Home Secretary liked. The principle of the amendment was agreed to, and eventually a place was found for it, with the concurrence of the shipowners' representatives and the support of Mr. John Burns, whose general attitude on this Bill was in striking contrast to the form he showed on the Standing Committee of 1895, and carried him considerably further in attaining practical results. As regards the Dockers it may be noted that Mr. Ritchie ultimately modified his technical objection to amending the Workmen's Compensation Act by a side wind, but as will be shown this was not the only instance where such technicalities went by the board in a desire to satisfy the proposers of amendments. An interesting stage was reached when the Committee dealt with the question of out-workers lists. (Clause 9). Sir Charles Dilke moved successfully that such lists should be supplied to the District Factory Inspector as well as the local authority, which lists, by a previous amendment moved by Mr. Renshaw were to contain addresses as well as names. Clause XI. raised the whole question of the local authority *versus* the Factory Inspector, Sir Charles Dilke seeking to prevent the Act from becoming ineffective by failure of duty on the part of the local authorities. Mr. Ritchie made it clear that it was a fundamental principle of the Bill to utilise the machinery of the Local Authority in matters of sanitation without adding an army of Factory Inspectors for the purpose. He was evidently determined that Local Sanitary Authorities should be kept up to the mark in the manner prescribed under the Bill, but he met the allegations that in some cases they neglected their duty by himself proposing a clause which would give the Secretary of State the power under certain conditions (See Section 4 of Act) to compel them to perform it, and to charge against them any expenses necessary in enforcing the Act. A useful amendment by Captain Jessel to ensure privacy for lists of out-workers received by the local authority—a matter of some practical importance to manufacturers—was also accepted. Another amendment by Sir Charles Dilke in pursuance of his objection to handing over certain powers to Local Authorities was negatived in connection with Clause 11 (prohibition of home-work in places injurious to health). The next matter calling for special notice was an amendment to Clause 15 by Mr. Emmott and others with regard to the provisions for sufficient ventilation in certain cotton factories and workshops, enabling a court of summary jurisdiction to apportion the cost as between landlord and tenant. The employers and employed in the Cotton trade, acting through a Joint Committee, had thoroughly

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organised their case, and secured in the Lancashire members some of the most able advocates on the Standing Committee, which ultimately adopted amendments on this and other matters on the assurance that both employers and employed were agreed as to their desirability. This is highly interesting when it is considered how largely textile factories are concerned in the administration of the Act as compared with other industries, while the stereotyping of voluntary arrangements on the Statute Book is perhaps the best guarantee for their due observance. An amendment by Mr. Tennant showed a remarkable sensitiveness for the workers in factories and workshops. He proposed that "In every factory or workshop or part thereof in which any process or handicraft is carried on whereby the persons of the workers or floors of the workrooms are liable to be wetted (*a*) the floors shall be made of concrete or other impermeable material maintained in good condition and drained in such a manner as to carry the water or other liquid freely away from the workers; (*b*) sufficient means shall be provided and maintained for protecting *the persons and clothes* of the workers from being wetted." It was suggested by one honourable member that clothes included boots or shoes, and that to keep them dry would in some factories be a matter of physical impossibility. On the other hand, the Committee felt that something might be done within practicable limits; the amendment was, "by leave, withdrawn," and Clause 15 modified so as to secure the drainage of floors where the wet was capable of being removed by such drainage (Section 8 of Act). In the discussion on Clause 18, placing restrictions on the cleaning of machinery in motion, the Lancashire members took a keen interest, and succeeded in limiting such cleaning by a child to any part of any machinery or any place under any machinery other than overhead mill gearing while the machinery was in motion. Clause 19 also led to a debate in which the "experts" on the Committee revelled in technicalities involved in the provisions relating to steam boilers, which required. amongst other things, the examination of a boiler by "an engineer" every "twelve months." It will be generally satisfactory to manufacturers that amendments were carried substituting "a competent person" for "an engineer," and allowing the examination to be done at least once in every "fourteen months," so as to harmonise with the practice of cleaning out boilers on public holidays of variable dates. In regard to Clause 20 an interesting division took place on a motion by Captain Jessel (which was agreed to by 23 votes to 18) to strike out of the Bill a sub-section which in effect

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would have taken away from the owner of a factory begun before 1892, or a workshop built before 1896, the right to appeal to Arbitration in the event of a difference with the Sanitary Authority (in the Metropolis the London County Council) as to structural alterations considered necessary for providing means of escape in case of fire. This important amendment was carried at the instance of the Manufacturers Section of the London Chamber of Commerce, whose attention had been drawn to the need for modifying this part of the Bill from experience of the zeal of the officials of the London County Council. These gentlemen have been far more exacting in their requirements than the authorities elsewhere. It was felt that the "circumstances of each case" (vide the Act) did not justify the expense, inconvenience, loss of space and removal of entire businesses which their requirements frequently occasioned; but their zeal has been tempered by greater discretion since the Chamber of Commerce took the matter up. It was not surprising, however, that Mr. John Burns should affirm that the Bill did not go far enough, and that the County Council were strongly opposed to the amendment, which, by the way, was one of the few submitted or carried involving the omission of an entire clause. The only point scored by the extremists was the application of the Act to the ground floor and basement as well as the storeys above, by an amendment moved by Mr. Tennant, which was logical enough if not otherwise commendable. Nothing of special interest occurred until an amendment was carried to Clause 24, despite the opposition of the Attorney-General, providing that a woman or young person should not be employed on the same day both in a factory or workshop and in a shop except during the period of employment allowed to him or her in the factory or workshop. This was objected to on the ground that it greatly limited the possibilities of earning a livelihood, and at a later stage this very stringent provision was modified on the more reasonable basis now prescribed in the Act. (See Section 31). Owing to difficulties which have already been mentioned and which recurred at various stages of the Bill, the Laundry Clause (26) was adjourned, and interest was next centred on the provisions as to underground and other Bakehouses (28) when Sir John Stirling Maxwell carried an amendment—on lines already existing in a Scotch Act—giving a right of appeal to a Court of Summary Jurisdiction in cases where Local Authorities refused to grant a certificate of suitability for a bakehouse. Captain Jessel also raised a point in connection with leases which was ultimately covered by an amendment adopted on

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the consideration of new clauses, under which a Court of Summary Jurisdiction may apportion, as between landlord and tenant, the cost of necessary structural alterations required to be made in Bakehouses under the Act. This amendment was supported by Mr. Burns, who made an ineffectual effort to apply to kitchens in hotels and restaurants the conditions applicable to Bakehouses. The discussion is noteworthy as indicating the disposition of the Standing Committee to alter, through a Factory Bill, the law relating to landlord and tenant, the same thing having been done to some extent in connection with structural alterations in cotton weaving sheds required under the new Act. The clause relating to the provision of meal rooms in dangerous trades was objected to by Mr. Seton Karr as being likely to cover trades which were not dangerous, and although the Home Secretary and the Attorney-General were of opinion that the Courts would not so construe it, several amendments were proposed, without success, in the hope of removing the doubts in the minds of some honourable members, whose views were to some extent met at a later stage. (See Section 75 of Act). The "particulars" Clause (32) was sought to be amended by Sir Charles Dilke, who was not successful; but Mr. Ritchie promptly accepted a new sub-section relating to particulars of the rate of wages in the cotton weaving trade on the ground that both masters and workpeople were agreed upon it. Some interesting questions arose on Clause 37, dealing with exemptions as regards periods of employment, hours for meals, and holidays, allowed in the fish curing and fruit preserving trades in order to prevent the fish or fruit being destroyed or spoiled before being treated at the factory. Two amendments of a restrictive character were rejected, but in connection with fruit preserving Mr. Talbot called attention to abuses as regards the number of working hours and moved an amendment specifying the conditions on which the exemption should be allowed. This he withdrew in favour of an amendment authorizing the Secretary of State to prescribe by an order under the Act the conditions to be observed. Mr. Seton Karr moved an amendment to add a new clause to meet the requirements of chocolate makers and other confectioners, and giving the Secretary of State power to make an exception as regards working hours in favour of "any process or processes rendered impossible by excessive midday heat." Although it was shown that, with one notable exception, the leading Chocolate makers were in favour of the amendment, and that their female workers, who are largely employed by the piece, were absolutely deprived of their means of livelihood

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in hot weather, and despite the fact that the proposal was made on the hottest day of the summer of 1901, the new clause was opposed by the Home Secretary and the "labour" element on the Committee, its rejection being carried by 20 votes to 16. In his next effort Mr. Seton Karr was more fortunate. He succeeded in getting the Committee to strike out of the Bill a sub-section in Clause 39 repealing the power of the Secretary of State to allow the employment of women in certain trades between 9 a.m. and 9 p.m., thus rendering it possible for other trades to apply for the same privilege. The same member failed in getting the Committee to omit Electrical Stations from the list of non-textile factories (Clause 45) in which it was proposed to include them for the first time, but the Home Secretary promised to receive representations as to the exemption from inspection of certain transformer chambers. When the Committee reached the postponed and new clauses a long debate took place on the Laundry Clause, to which an amendment was moved by Mr. Redmond, and ultimately carried, providing that nothing in the section should apply to any laundry in which the only persons employed were inmates of any prison, reformatory, industrial school or other institution subject to inspection under the Act, and the inmates of an institution conducted in good faith for religious or charitable purposes. A strong protest was again raised against the special treatment of these institutions. Another clause was, at the instance of Mr. Tennant, substituted for one in the Bill, the effect being to allow the Secretary of State to modify the provisions of the Act as regards the period of employment of women, young persons and children in laundries. This, it was said, had been settled after negotiation with the Laundry Associations in the North of England, the West of Scotland and the Metropolis. Amongst the new clauses discussed were several of considerable importance which in many cases dealt with matters not included in the Bill as originally drawn. There may be nothing unusual in this, but such a course was highly prejudicial to the interests attacked. There were no less than three proposals to reduce the amount of overtime allowed to be worked by women during the year, and during any one week. Mr. Sydney Buxton proposed to reduce the number of overtime days from 30 to 15; Sir Charles Dilke to do away with overtime altogether; and Mr. Tennant to reduce the period from

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30 days to 25 in the year, and from three days to two days in the week. This affected a large number of trades, action being taken by the London Chamber of Commerce and other bodies with the result that considerable pressure was brought to bear upon Members of Parliament who promised to vote against the change. While Sir Charles Dilke's proposal was rejected and Mr. Buxton's was not moved, Mr. Tennant succeeded in carrying in the Standing Committee an amendment reducing overtime from three days and 30 days to two days and 25 days respectively as regards the trades hitherto coming under this particular provision of the Act, and also reducing in the fish curing and fruit preserving industries the overtime from five days and 60 days to three days and 50 days respectively. This amendment was passed, in face of the opposition of the Home Secretary, by 22 votes to 13, many members of the Committee being away at the time. Another new clause was passed by 21 votes to 13 at the instance of Mr. Harwood, by which, in effect, all work by women and young persons in textile factories would end at 12 noon instead of 1 p.m. (see Section 24 of Act), the Home Secretary deprecating special restrictions of this kind as being detrimental to trade. This has been nick-named the "foot-ball" clause, and was promoted mainly by Lancashire Cotton operatives. Mr. Broadhurst at the following sitting moved a new clause providing that in non-textile factories and workshops the period of employment of women and young persons should end at two o'clock in the afternoon on Saturdays. This was strongly opposed by several members, including two who had voted in favour of the textile amendment, and rejected by 21 votes to 18. This resumé of the proceedings in the Standing Committee is by no means a complete summary of the numerous propositions that were debated, but will serve to show the course which was taken on some of the most interesting of the issues raised during the Committee stage. The last sitting furnished a remarkable exhibition of Parliamentary unanimity and good feeling, the Committee passing without discussion the clauses of the Consolidation Bill in which the agreed provisions of the Amendment Bill were embodied. This happy result was creditable alike to the draftsman and the Home Secretary, who took the unusual course of moving a vote of thanks to the Chairman of the Standing Committee (Mr. Lawrence Hardy) for his conduct in the chair, which was heartily accorded. No vote of thanks was ever better deserved; even the public who attended the meetings of the Committee would have gladly supported it.

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The Report Stage in the House of Commons.

On the report stage, which was taken on the 12th and 13th of August the Amendment and Consolidation Bill was debated at considerable length and most of the questions which had led to controversy in the Standing Committee were re-opened, though a very large number of amendments were dropped after brief discussion or assurances from the Home Secretary that the points raised would be or had been met. There were, however, nine divisions. The first took place on an amendment by Mr. Renshaw on Clause 24, to the effect that when the period of employment for young persons and women on Saturday began at six o'clock in the morning, that period, if not less than one hour is allowed for meals, should end at 1 p.m., instead of 12 noon as had been decided by the Standing Committee. Mr. Renshaw urged with considerable force that whether the change was desired in Lancashire or not, the Clause would apply to the textile trades in all parts of the country, whose productive capacity he estimated would be reduced by two per cent. It was evident from the discussion that some of the Lancashire Members had committed themselves to the change at the last election, though as a set off against the support of the operatives, Colonel Pilkington mentioned that over 1,000 firms—mainly in Lancashire—were against inelastic restrictions of the kind. Mr. Ritchie pointed out that the demand for the restriction only came from Lancashire and a part of Yorkshire, and it was a matter for voluntary arrangement rather than for legislation. It is significant, however, that the amendment was opposed by no less a person than Sir William Houldsworth, one of his reasons being that the modification made in the Bill would stave off a more serious question—a reduction of hours all round. It was a great surprise when the tellers announced that the amendment had been rejected by 22 votes, to the huge delight of the Opposition and the Irish Members. An amendment by Mr. Renshaw to confine the Clause to a Cotton Spinning Mill or Cotton Cloth Factory only was debated and withdrawn. Mr. Tennant next essayed to amend Clause 26 so as to prevent the employment of women and young persons in a non-textile factory or a workshop on Saturdays, except between the hours of 6 a.m. and 2 p.m., the amendment being rejected by 49 votes. On sub-section 4 of Clause 31, Mr. Renshaw raised afresh the objection he took in the Standing Committee* to the injustice which in some circumstances

* The numbers of the Clauses referred to are those of the Bill as reported from the Standing Committee.

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would be created in the case of a woman or young person being deprived of the opportunity of obtaining a full day's employment in a factory and workshop and in a shop (see section 31 of Act.) This amendment was carried by 33 votes. Mr. Renshaw was again successful on another amendment—carried by 25 votes—reinstating three days in the week as the overtime period for women in numerous and important industries (specified in the Second Schedule of the Act, see text.) The Standing Committee had reduced the number of days to two. Several other members put down similar amendments on the paper which created considerable interest. But for this action serious results would have followed, mainly to the detriment of the work people themselves; the reduction in the number of days in the year was not so serious in itself as that of the number of days in the week, as all of these are required in seasons of pressure. The number of days on which overtime is worked in the year shows a low average; but in some trades the entire 30 days are required to make up for slack time at other periods when the earnings of the workers are considerably reduced. A consequential amendment by Mr. Renshaw allowing overtime on 30 days in the year instead of 25 days as decided by the Standing Committee, was carried without a division. The change as regards women's overtime in fish curing and fruit preserving from five days to three days (in the week) and 60 to 50 (in the year) was not resisted, as the trades affected have the advantage of special exemptions during four months of the year (section 41 of Act.) After accepting an amendment by Mr. Ritchie limiting the operation of Clause 75 (provision of meal rooms) to places where lead was used "so as to give rise to dust or fumes" the House adjourned, and on the 14th of August devoted over four hours to the consideration of the Laundry Clause (103). The omission of this was moved by Mr. Ritchie, who hinted at the probability that further legislation in regard to laundries might be proposed at some future time, and confessed his absolute inability for the time being to devise a Clause which would reconcile conflicting interests. In effect what happened was that the motion was carried by a majority of 172 in a House of 302 on the understanding that the section of the Act of 1895 dealing with laundries would be re-enacted. There were some elaborate speeches from both front benches, and the proceedings were enlivened by a passage of arms between Mr. Tennant and Mr. Dillon—the chief spokesman for the Irish party—consequent on remarks by the former as to the management of Catholic Convent Homes. It is worth while placing on record what was said by Mr. Dillon in this

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connection, as reported in *The Times*, . . . "Half the Roman Catholic Convents were already inspected by Government Inspectors. They asked for the exemption of certain classes of institutions because the Managers had no means of maintaining discipline, except by treating the inmates as members of the family, and because they were assured by those experienced in their management that the introduction of Inspectors, male and female . . . would be most seriously detrimental to the usefulness of the Institutions. . . . The difficulties of those institutions would be vastly increased if they were to be subjected to hard and fast rules embodied in an Act of Parliament." No one who heard the debate could fail to see that the Irish Members were the masters of the parliamentary situation, and Mr. Balfour's plea that an Amendment and Consolidation Bill could only be passed by agreement does not in itself explain why the Government had no other course open to them than the one taken. After the Laundry division, the proceedings were comparatively tame, and the further amendments made or proposed in the Bill call for no special comment. These, however, included an addition to Captain Jessel's Bakehouse Clause, enabling the court on certain conditions to determine a lease, and an amendment relating to Electrical Stations. The third reading was carried in the early hours of the morning of the 14th of August.

The Bill in the House of Lords.

On the 14th of August, the second reading of the Bill was moved in the House of Lords by Lord Belper, who gave a succinct account of its provisions and intimated that the Government could accept no amendment in opposition to the striking out of the Laundry Clause nor in regard to the Saturday half holiday in textile factories. Two noble lords protested against the position in which the Upper House were placed by having to deal for the first time with such an important Bill on the last night but one of the session. The Bill having been read a second time, their lordships at once went into Committee and a number of drafting amendments were adopted. Once more the laundry question overshadowed all others and the course adopted by the Government (on a motion by Lord Belper to insert as Clause 103 the Sections of the Act of 1895 relating to laundries) was severely criticised by some of their lordships, including the Archbishop of Canterbury, who expressed himself as unconvinced by the arguments advanced by Lords Belper and James. Lord Radnor moved without success the insertion of the omitted

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Clause modified by a Clause suggested by Mr. Talbot in the House of Commons. Lord Rosebery accused the Government of "putting a pistol at the heads of their lordships," but after further protests by other speakers, Lord Belper's Clause was added to the Bill, which with other verbal amendments was reported to the House, read a third time and passed. It is, however, quite certain that if time and circumstances had permitted, the House of Lords would have acted differently.

Conclusion. The Act of 1901 was passed in haste. Will it be amended at leisure? Manufacturers strongly deprecate continual amendments of factory legislation. The rapid advance in industrial development, the introduction of new industries and new processes, the modifications always being brought about by scientific discoveries, the great and increasing pressure of modern life and foreign competition, the commendable interest now taken in the welfare of the workers, the recommendations of the Factory Inspectors, all these reasons make it necessary to reconsider the existing acts at recurring intervals. But these intervals have of late years been too short. Comprehensive amendments have been made in 1891, 1895, and now in 1901. These were a source of harass to employers and injurious to trade, and it is therefore hoped that legislators will not be anxious to overhaul factory legislation as now embodied in the consolidation Act, for many years.

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FACTORY & WORKSHOP ACT, 1901.

[1 EDW. 7, CH. 22.]

ARRANGEMENT OF SECTIONS.

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HEALTH AND SAFETY.

(i.) *Health.*

Section.

1. Sanitary condition of factory.
2. Sanitary condition of workshops and workplaces.
3. Overcrowding of factory or workshop.
4. Power of Secretary of State to act in default of local authority.
5. Powers of inspector as to sanitary defects in factory or workshop remediable by sanitary authority.
6. Temperature in factories and workshops.
7. Ventilation.
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9. Sanitary conveniences in factories and workshops.

(ii.) *Safety.*

10. Fencing of machinery.
11. Steam boilers.
12. Regulations as to self-acting machines.
13. Restrictions on cleaning when machinery is in motion.
14. Provision of means of escape in case of fire.
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16. Doors of factory or workshop to open from inside.
17. Power to make order as to dangerous machine.
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(iii.) *Accidents.*

19. Notice of accidents causing death or bodily injury
20. Investigation of and report on accidents by certifying surgeon.
21. Inquest in case of death by accident in factory or workshop.
22. Power to direct formal investigation of accidents.

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(i.) *Hours and Holidays.*

23. Restrictions on period of employment of women, young persons, and children.
24. Hours of employment in textile factories — young persons and women.
25. Hours of employment in textile factories— children.
26. Hours of employment in non-textile factories and workshops—young persons and women.
27. Hours of employment in non-textile factories and workshops—children.
28. Hours of employment in print works and bleaching and dyeing works.
29. Special provisions as to employment in women's workshops.
30. Special provision as to eight hours employment of women and young persons.
31. Restriction on employment inside and outside factory or workshop on same day.
32. Notice fixing hours of employment, &c.
33. Meal times to be simultaneous, and employment during meal times forbidden.
34. Prohibition of Sunday employment.
35. Annual holidays and half-holidays.

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(ii.) *Special Exceptions as to Hours and Holidays.*

36. Employment between 9 a.m. and 9 p.m. in certain cases.
37. Employment of male young persons above sixteen in lace factories.
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39. Five hours' spell in certain textile factories.
40. Different meal times for different sets, and employment during meal times.
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43. Substitution of another day for Saturday.
44. Saturday employment in Turkey red dyeing
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48. Sunday employment of Jews in factory or workshop of Jewish occupier.

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49. Overtime employment of women for press of work.
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54. Night employment of male young persons of fourteen.
55. Night employment of male young persons of fourteen in glass works.
56. Night employment of male young persons of sixteen in printing newspapers.

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57. Exemption for certain flax scutch mills.

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58. Power to impose sanitary requirements as condition of special exceptions.
59. Power to rescind orders as to special exceptions.
60. Notices, registers, &c., relating to special exceptions.

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(iii.) *Fitness for Employment.*

61. Prohibition of employment of women after childbirth.
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63. Certificates of fitness for employment of young persons under sixteen and children in factories.
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73. Notification of certain diseases contracted in factory or workshop.
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78. Prohibition of taking meals in certain parts of factories and workshops.

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90. Temperature and humidity.
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105. Application of certain provisions to buildings.

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106. Application of certain provisions to railway sidings.

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110. Prohibition of home work in places where there is infectious disease.

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112. Dangerous processes in domestic factories and work shops.

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115. Definitions of "domestic factory" and "domestic workshop."

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FACTORY AND WORKSHOP ACT, 1901.

(1 EDW. 7, CH. 22.

An Act to consolidate with Amendments the Factory and Workshop Acts. [17th August, 1901.] A.D. 1901.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

HEALTH AND SAFETY.

(i.) *Health.*

Sanitary condition of factory.

1.—(1.) The following provisions shall apply to every factory as defined by this Act, except a domestic factory:—

For domestic factory see ss. 112-115 *post.*

(*a*) It must be kept in a cleanly state;

(*b*.) It must be kept free from effluvia arising from any drain, watercloset, earthcloset, privy, urinal, or other nuisance;

(*c*) It must not be so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein;

(*d*.) It must be ventilated in such a manner as to render harmless, so far as is practicable, all the gases, vapours, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein, that may be injurious to health.

(2.) The provisions of section ninety-one of the Public Health Act, 1875, with respect to a factory, workshop, or workplace not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory to which this section applies. 38 & 39 Vict. c. 55

The provisions of s. 91 of the Public Health Act 1875 are very similar to those *supra.*

Note.—New provisions are, as far as possible, shown by being italicised.

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(3.) For the purpose of securing the observance of the requirements in this section as to cleanliness in factories, all the inside walls of the rooms of a factory, and all the ceilings or tops of those rooms (whether those walls, ceilings, or tops are plastered or not), and all the passages and staircases of a factory, if they have not been painted with oil or varnished once at least within seven years, shall (subject to any special exceptions made in pursuance of this section) be limewashed once at least within every fourteen months, to date from the time when they were last limewashed; and if they have been so painted or varnished shall be washed with hot water and soap once at least within every fourteen months, to date from the time when they were last washed.

(4.) Where it appears to the Secretary of State that in any class of factories, or parts thereof, the provisions of this section with respect to limewashing or washing are not required for the purpose of securing therein the observance of the requirements of this Act as to cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, by Special Order grant to that class of factories, or parts thereof, a special exception that the said provisions shall not apply thereto.

A list of factories exempted from lime washing under the similar provisions of the former Act will be found in the Appendix. They are still exempt by virtue of s. 161 (2).

(5.) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

For penalty see s. 135 *post*.

Sanitary condition of workshop and workplaces, 38 & 39 Vict. c. 55.

2.—(1.) The provisions of section ninety-one of the Public Health Act, 1875, with respect to a factory, workshop, or workplace not kept in a cleanly state, or not ventilated, or overcrowded, shall apply to every factory, workshop, or workplace, except any factory to which the last preceding section applies.

These provisions make any factory, workshop, or workplace not cleanly or properly ventilated, or overcrowded a nuisance.

(2.) Every workshop and every workplace within the meaning of the Public Health Act, 1875, must be kept free from effluvia arising from any drain, watercloset, earthcloset, privy, urinal, or other nuisance, and unless so kept shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

(3.) Where on the certificate of a medical officer of health or inspector of nuisances it appears to any *district council* that the limewashing, cleansing, or purifying, of any such workshop, or of any part thereof, is necessary for the health of the persons employed therein, the *council* shall give notice in writing to the

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owner or occupier of the workshop to limewash, cleanse, or purify the same, or part thereof, as the case may require.

The Act throughout makes the district councils the authorities for its purposes. These are respectively Urban and Rural. In the City of London, however, the Court of Common Council is the authority, and in the remainder of the administrative County of London the Councils of the Metropolitan Boroughs in their districts, except with regard to means of escape from fire in which respects their place is taken by the London County Council over the whole of the administrative County including the City, see s. 153 *post*.

In county boroughs the Councils are the authority, see s. 154 *post*, and in municipal boroughs the town councils.

(4) If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a fine not exceeding ten shillings for every day during which he continues to make default, and the *council* may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

(5.) This section shall not apply to any workshop or workplace to which the Public Health (London) Act, 1891, applies. 54 & 55 Vict. c. 76

The Public Health (London) Act, 1891 (54 and 55 Vict., c. 76), applies to workshops and workplaces in London which are not factories under the Factory and Workshop Act, 1878 (41 and 42 Vict., c. 16), and obliges them to be kept clean &c., see s. 2 (1) (*g*.)

Overcrowding of factory or workshop.

3.—(1.) A factory shall for the purposes of this Act, and a workshop shall for the purposes of the law relating to public health, be deemed to be so overcrowded as to be dangerous or injurious to the health of the persons employed therein, if the number of cubic feet of space in any room therein bears to the number of persons employed at one time in the room a proportion less than two hundred and fifty, or, during any period of overtime, four hundred, cubic feet of space to every person.

(2) Provided that the Secretary of State may, by Special Order, modify this proportion for any period during which artificial light other than electric light is employed for illuminating purposes, and may, by like order, as regards any particular manufacturing process or handicraft, substitute for the said figures of two hundred and fifty and four hundred respectively any higher figures, and thereupon this section shall have effect as modified by the order.

(3.) *Where a workshop or workplace, not being a domestic workshop, is occupied by day as a workshop and by night as a sleeping apartment, the Secretary of State may by Special Order modify the proportion of cubic feet of space prescribed by this section, and*

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substitute therefor any higher figures, and thereupon this section shall have effect as modified by the order.

For an order about to be made under this subsection, see Appendix.

(4.) There shall be affixed in every factory and workshop a notice specifying the number of persons who may be employed in each room of the factory or workshop by virtue of this section.

Power of Secretary of State to act in default of local authority.

4.—(1.) If the Secretary of State is satisfied that the provisions of this Act, or of the law relating to public health in so far as it affects *factories*, workshops, and workplaces, have not been carried out by any *district council*, he may, by order, authorise an inspector to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing those provisions.

(2.) An inspector authorised in pursuance of this section shall, for the purpose of his duties thereunder, have the same powers with respect to workshops and *workplaces* as he has with respect to factories, and he may, for that purpose, take the like proceedings for enforcing the provisions of this Act or of the law relating to public health, or for punishing or remedying any default as might be taken by the *district council;* and he shall be entitled to recover from the *district council* all such expenses in and about any proceedings as he may incur, and as are not recovered from any other person.

Extended power is given to the Secretary of State by this section. The similar section of the Factory and Workshop Act, 1891 (54 and 55 Vict. c. 75, s. 1) only applied to the case of nuisances, want of cleanliness, want of ventilation, overcrowding or limewashing, and did not apply to factories. The object of the section is to enable the Secretary of State to deal with cases in which it is alleged that the local authority has neglected its duty. As to the meaning of "district council" see s. 2 *ante*. The sections relating to outworkers add considerably to the responsibilities of the sanitary authorities, see ss. 107-110 *post*.

Powers of inspector as to sanitary defects in factory or workshop remediable by sanitary authority.

5.—(1.) Where it appears to an inspector that any act, neglect, or default, in relation to any drain, watercloset, earth-closet, privy, ashpit, water-supply, nuisance, or other matter in a factory or workshop, is punishable or remediable under the law relating to public health, but not under this Act, that inspector shall give notice in writing of the act, neglect, or default, to the *district council* in whose district the factory or workshop is situate, and it shall be the duty of the *district council* to make such inquiry into the subject of the notice, and take such action thereon, as seems to that council proper for the purpose of enforcing the law, and to inform the inspector of the proceedings taken in consequence of the notice.

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(2.) An inspector may, for the purposes of this section, take with him into a factory or a workshop a medical officer of health, inspector of nuisances, or other officer of the *district council*.

(3.) Where notice of an act, neglect, or default, is given by an inspector under this section to a *district council*, and proceedings are not taken within one month for punishing or remedying the act, neglect, or default, the inspector may take the like proceedings for punishing or remedying the same as the *district council* might have taken, and shall be entitled to recover from the *district council* all such expenses in and about the proceedings as the inspector incurs and as are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.

Where a factory inspector gave notice to the sanitary authority under the similar provision in the Factory and Workshops Acts, 1878 and 1891 (41 and 42 Vict., c 16, s. 4 ; and 54 and 55 Vict., c. 75, s. 2), that there were not enough waterclosets in a factory, and on the authority taking no steps within a reasonable time, gave notice to the owner under s. 2 (2), *sup*, and s. 22 of the Public Health Acts Amendment Act, 1890, (53 and 54 Vict, c. 59), requiring him to erect specified waterclosets, it was held by the Divisional Court that the justices on a summons for penalties under s. 22 of the Public Health Amendment Act, 1890, had no jurisdiction to inquire into the suitability or sufficiency of the sanitary accommodation either existing or required, and that the remedy was by appeal to Quarter Sessions from the requirements of the sanitary inspector under s. 7 of the Public Health Acts Amendment Act, 1890, Tracey *v* Pretty & Sons, 1901, 1 Q.B. 444 ; 70 L.J.K.B. 234 ; 85 L. T. 767 ; 49 W.R. 282 ; 65 J.P. 196. By s. 9 (2), *post*, the Home Secretary is charged with the duty of determining what are sufficient sanitary conveniences in places where s. 22 *supra* is not in force.

Temperature in factories and workshops.

6.—(1) In every factory and workshop adequate measures must be taken for securing and maintaining a reasonable temperature in each room in which any person is employed, *but the measures so taken must not interfere with the purity of the air of any room in which any person is employed.*

(2) *The Secretary of State may, by Special Order, direct with respect to any class of factories or workshops that thermometers be provided, maintained, and kept in working order, in such place and position as may be specified in the order.*

(3) A factory or workshop in which there is any contravention of this section, or of any order under this section, shall be deemed not to be kept in conformity with this Act.

For the penalty see s. 135. *post*

Ventilation

7.—(1). *In every room in any factory or workshop sufficient means of ventilation shall be provided, and sufficient ventilation shall be maintained.*

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(2) *The Secretary of State may, by Special Order, prescribe a standard of sufficient ventilation for any class of factories or workshops, and that standard shall be observed in all factories and workshops of that class, and an order made under this power may supersede any provision of this Act or order of the Secretary of State with respect to ventilation in cotton cloth factories.*

For an order made under this subsection as to humid textile factories, not cotton cloth factories, see Appendix.

(3) *A factory in which there is a contravention of the provisions of this section shall be deemed not to be kept in conformity with this Act, and a workshop in which there is a contravention of the provisions of this section shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.*

(4) *If the occupier of a factory or workshop (including a cotton cloth factory in which humidity of the atmosphere is artificially produced) alleges that the whole or part of the expenses of providing the means of ventilation required by this Act ought to be borne by the owner, he may by complaint apply to a court of summary jurisdiction, and that court may make such order concerning the expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case, regard being had to the terms of any contract between the parties.*

For the penalty, see s. 135, post.

Subs. (4) was introduced at the instance of the cotton employers and operatives to obviate possible hardships in the case of occupiers of small means.

Drainage of floors.

8.—(1) *In every factory or workshop or part thereof in which any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, adequate means shall be provided for draining off the wet.*

(2) *A factory in which there is a contravention of the provisions of this section shall be deemed not to be kept in conformity with this Act, and a workshop in which there is a contravention of the provisions of this section shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.*

Sanitary conveniences in factories and workshops.

9.—(1). Every factory and workshop must be provided with sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in or in attendance at the factory or workshop, and also where persons of both sexes are or are intended to be employed or in attendance, with proper separate accommodation for persons of each sex.

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(2) *The Secretary of State shall, by Special Order, determine what is sufficient and suitable accommodation within the meaning of this section.*

(3) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

(4) This section does not apply to the administrative county of London, or to any place where section twenty-two of the Public Health Acts Amendment Act, 1890, is in force. 53 & 54 Vict. c. 59.

In London, s. 38, of the Public Health (London) Act, 1891, applies. S. 22 of the Public Health Acts Amendment Act, 1890, provides for sanitary appliances in workshops or manufactories in districts, other than rural districts, which have adopted the Act.

(ii.) *Safety.*

10.—(1) With respect to the fencing of machinery in a factory the following provisions shall have effect:— Fencing of machinery.

(*a*). Every hoist or teagle, and every fly-wheel directly connected with the steam or water or other mechanical power, whether in the engine-house or not, and every part of any water wheel or engine worked by any such power, must be securely fenced; and

(*b*.) Every wheel-race not otherwise secured must be securely fenced close to the edge of the wheel-race; and

(*c*.) All dangerous parts of the machinery and every part of the mill gearing, must either be securely fenced, or be in such position or of such construction as to be equally safe to every person employed or working in the factory as it would be if it were securely fenced; and

(*d*.) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair or under examination in connexion with repair, or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machine.

(2.) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

The word "machinery" applies to all the machinery in a factory, and is not limited only to that which supplies or conveys the motive power, Redgrave *v.* Lloyd & Sons, 1895, 1 Q.B. 876; 64 L.J.M.C. 155; 72 L.T. 565; 43 W.R. 527; 59 J.P. 293, a case decided on s. 5 (3) of the Factory and Workshop Act, 1878, and s. 6 (2) of the Factory and Workshop Act, 1891.

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Machinery is dangerous within the above section if in the ordinary course of human affairs danger may be reasonably anticipated from the use of it without protection, as in the case of shuttles which occasionally fly out from the shuttle race and may be dangerous to persons in the line of flight, Hindle *v.* Birtwhistle, 1897, 1 Q.B. 192; 66 L.J.Q.B. 173; 76 L.T. 159; 45 W.R. 207; 61 J.P. 70, (decided on the same sections as the last mentioned case).

An action will lie for damages caused by neglect to maintain fencing for dangerous machinery, and the defence of common employment does not apply where there is a breach of an absolute duty, Groves *v.* Wimborne (Lord), 1898, 2 Q.B. 402; 67 L.J.Q.B. 862; 79 L.T. 284; 47 W.R. 87, decided under ss. 5 (4), 81, 82, 86 and 87 of the Factory and Workshop Act, 1878

The Home Office requires circular and other saws and the like to be guarded as well as the machinery and gearing.

For the penalty see s. 135 *post*.

Steam boilers.

11.—(1.) *Every steam boiler used for generating steam in a factory or workshop, or in any place to which any of the provisions of this Act apply, must, whether separate or one of a range—*

(*a*) *have attached to it a proper safety valve and a proper steam gauge and water gauge to show the pressure of steam and the height of water in the boiler; and*

(*b*) *be examined thoroughly by a competent person at least once in every fourteen months.*

(2.) *Every such boiler, safety valve, steam gauge, and water gauge must be maintained in proper condition.*

(3.) *A report of the result of every such examination in the prescribed form, containing the prescribed particulars, shall within fourteen days be entered into or attached to the general register of the factory or workshop, and the report shall be signed by the person making the examination, and, if that person is an inspector of a boiler-inspecting company or association, by the chief engineer of the company or association.*

(4.) *A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.*

(5.) *This section shall not apply to the boiler of any locomotive which belongs to and is used by any railway company, or to any boiler belonging to or exclusively used in the service of His Majesty.*

(6.) *For the purposes of this section, the whole of a tenement factory or workshop shall be deemed to be one factory or workshop, and the owner shall be substituted for the occupier, and he shall register the report referred to in this section.*

See also s. 17 *post*.

The period of fourteen months was inserted in subsection (1)(*b*) instead of twelve months to cover the holiday times at Easter and Whitsuntide.

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Following a recommendation in the report of the Select Committee on Boiler Registration and Inspection, which reported in 1900, the person who makes the examination need not be an engineer if otherwise competent, as, *e.g.*, the manager of a mill, or inspector of a boiler insurance company.

For the penalty see s. 135 *post*.

Regulations as to self-acting machines

12.—(1.) In a factory erected on or after the first day of January one thousand eight hundred and ninety-six, the traversing carriage of any self-acting machine must not be allowed to run out within a distance of eighteen inches from any fixed structure not being part of the machine, if the space over which it runs out is a space over which any person is liable to pass, whether in the course of his employment or otherwise. *Provided that nothing in this subsection shall prevent any portion of the traversing carriage of any self-acting cotton spinning or woollen spinning machine being allowed to run out within a distance of twelve inches from any part of the head stock of another self-acting cotton spinning or woollen spinning machine.*

(2.) A person employed in a factory must not be allowed to be in the space between the fixed and the traversing parts of a self-acting machine unless the machine is stopped with the traversing part on the outward run, but for the purpose of this provision the space in front of a self-acting machine shall not be included in the space aforesaid.

(3.) A woman, young person, or child, must not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water, or other mechanical power.

(4.) A factory in which a traversing carriage is allowed to run out in contravention of this section shall be deemed not to be kept in conformity with this Act, and any person allowed to be in the space aforesaid *or to work in contravention of this section* shall be deemed to be employed contrary to the provisions of this Act.

The proviso to subsection (1) was inserted to meet the objection of the cotton spinning industry and prevent unnecessary space being required.

For the penalty see ss. 135 and 137 *post*.

Restrictions on cleaning when machinery is in motion.

13.—(1.) A child must not be allowed to clean in any factory—

(*a*) any part of any machinery; or

(*b*) *any place under any machinery other than overhead mill gearing*,

while the *machinery* is in motion by the aid of steam, water, or other mechanical power.

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(2.) A young person must not be allowed to clean any dangerous part of the machinery in a factory while the machinery is in motion by the aid of steam, water, or other mechanical power; and for this purpose such parts of the machinery shall, unless the contrary is proved, be presumed to be dangerous as are so notified by an inspector to the occupier of the factory.

(3.) A woman or young person must not be allowed to clean such part of the machinery in a factory as is mill-gearing while the *machinery* is in motion for the purpose of propelling any part of the manufacturing machinery.

(4.) A woman, young person, or child, allowed to clean in contravention of this section, shall be deemed to be employed contrary to the provisions of this Act.

Subsection (1) prohibits the cleaning by a child of the fixed part of any moving machinery, as *e.g.*, the roller beam of a spinning mule, see Pearson *v.* The Belgian Mills Company. 1896. 1 Q B. 244 ; 65 L.J.M.C. 48 ; 74 L.T. 101 ; 44 W.R. 334 ; 63 J.P. 151 decided under s. 9 of the Factory and Workshop Act 1878).

Subsection (1) (*b*) is new. The exception for overhead mill gearing was introduced at the instance of the cotton industry.

For the penalty see s. 137 *post*

Provision of means of escape in case of fire.

14.—(1.) Every factory of which the construction was not commenced on or before the first day of January one thousand eight hundred and ninety-two, and in which more than forty persons are employed, and every workshop of which the construction was not commenced before the first day of January one thousand eight hundred and ninety-six, and in which more than forty persons are employed, must be furnished with a certificate from the *district council* of the district in which the factory or workshop is situate that the factory or workshop is provided with such means of escape in case of fire for the persons employed therein as can reasonably be required under the circumstances of each case, and if the factory or workshop is not so furnished it shall be deemed not to be kept in conformity with this Act; and it shall be the duty of the *council* to examine every such factory and workshop, and, on being satisfied that the factory or workshop is so provided, to give such a certificate as aforesaid. *The certificate must specify in detail the means of escape so provided.*

The words "district council" replace the words "sanitary authority" in s. 7 of the Factory and Workshop Act, 1891. For their meaning see section 2 *ante*. In the Administrative County of London the London County Council takes the place of the Common Council and the Metropolitan Boroughs (s. 153 (1) *post*. The words "on the storeys above the ground floor" in s. 7 of the Factory and Workshop Act, 1891 are omitted. Hitherto the sanitary authority has had no legal control over ground floors and basement premises

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for this purpose. The question whether the onus lies upon the owner of a factory to apply to the sanitary authority for a certificate or whether it is the duty of the local authority to see that the factory owner has such certificate is not free from doubt, but it may be pointed out that the same authority may withhold a certificate on the ground that the means of protection are inadequate, and, as has actually happened, may proceed against a factory owner for working without a certificate in cases where he considered the requirement of the authority unreasonable.

(2) With respect to all factories and workshops to which the foregoing provisions of this section do not apply, and in which more than forty persons are employed, it shall be the duty of the *district council* of every district from time to time to ascertain whether all such factories and workshops within their district are provided with such means of escape as aforesaid, and, in the case of any factory or workshop which is not so provided, to serve on the owner of the factory or workshop a notice in writing specifying the measures necessary for providing such means of escape as aforesaid, and requiring him to carry them out before a specified date, and thereupon the owner shall, notwithstanding any agreement with the occupier, have power to take such steps as are necessary for complying with the requirements, and unless the requirements are complied with, the owner shall be liable to a fine not exceeding one pound for every day that the non-compliance continues.

(3.) In case of a difference of opinion between the owner of the factory or workshop and the *council* under the last foregoing subsection, the difference shall, on the application of either party, to be made within one month after the time when the difference arises, be referred to arbitration, and thereupon the provisions of the First Schedule to this Act shall have effect, and the award on the arbitration shall be binding on the parties thereto, and the notice of the *council* shall be discharged, amended, or confirmed in accordance with the award.

Where the ground, first, second and third floors of a building in London were let to different tenants before 1892 for varying terms and were not factories, but the fourth, fifth, and sixth floors constituted two factories, and an award was made under (s. 7) of the Factory and Workshop Act, 1891, directing a staircase to be made from top to bottom with communication with all the floors by means of doors, and compliance with the award would interfere with the business of the three lower tenants and take some of their floor space, the Divisional Court held that the whole building could not be treated as one factory and that there was no jurisdiction to require the owner to make the staircase through the lower floors, and remitted the case to the arbitrators with the intimation that unless the arbitrators could so arrange the matter as to prevent trespassing the award must be set aside, *re* London County Council and Lewis (1900), 69 L.J.Q.B., 277 ; 82 L.T. 195 ; 64 J.P. 39. See now subs. (6) *infra*.

So when the London County Council required a staircase to be built from the first and second floors of a building which constituted a factory, and this

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could not be done without trespassing on the ground floor, the Divisional Court affirmed the dismissal of a summons for penalties although the owner had not taken the London County Council to arbitration under s. 7 (3) of the Factory and Workshop Act, 1891, London County Council *v.* Brass, 17 Times L.R. 504. See now subs. (6) *infra*.

It must be remembered, however, that the effect of the omission from subs. (1) of the words "on the storeys above the ground floor" contained in the former Act has not yet been decided.

The First Schedule by clause 17 provides for the payment of costs by the Secretary of State and for the recovery of costs from the *occupier* of a factory, neither of whom is a party to the arbitration; but there is no provision for the recovery of costs either from a district council or from the owner of a factory.

(4.) If the owner alleges that the occupier of the factory or workshop ought to bear or contribute to the expenses of complying with the requirement, he may apply to the county court having jurisdiction where the factory or workshop is situate, and thereupon the county court, after hearing the occupier, may make such order as appears to the court just and equitable under all the circumstances of the case.

See Monk *v* Arnold, cxi., Law Times Journal, p. 349.

(5) For the purpose of enforcing the foregoing provisions of this section, an inspector may give the like notice and take the like proceedings as under the foregoing provisions of this Act with respect to matters punishable or remediable under the law relating to public health but not under this Act, and those provisions shall apply accordingly.

For these provisions see s. 5, *ante*.

(6.) *The means of escape in case of fire provided in any factory or workshop shall be maintained in good condition and free from obstruction, and if it is not so maintained the factory or workshop shall be deemed not to be kept in conformity with this Act.*

For the penalty see s. 135, *post*. Section 10 of the Act of 1895, requiring the provision of moveable fire escapes is repealed.

(7.) *For the purposes of this section the whole of a tenement factory or workshop shall be deemed to be one factory or workshop, and the owner shall be substituted for the occupier.*

(8.) All expenses incurred by a *district council* in the execution of this section shall be defrayed—

38 & 39 Vict. c. 55

(*a.*) In the case of an urban district council, as part of their expenses of the general execution of the Public Health Act, 1875; and

(*b.*) In the case of a rural district council, as special expenses incurred in the execution of the Public Health Act, 1875;

and those expenses shall be charged to the contributory place in which the factory or workshop is situate.

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The administration of the former provisions relating to means of escape from fire has varied considerably in different parts of the country. In the provinces it has not been found that the law, as administered, has been a serious difficulty with the manufacturers. In the Metropolitan District, the London County Council as the sanitary authority, have taken an extreme view of their responsibilities, and have administered the law in a more drastic manner. It is to the Metropolis, therefore, that the following remarks chiefly apply.

It is necessary that all new buildings under section 14 (1) should be designed with due regard to the provision of means of escape in case of fire for those employed therein. The requirements of the sanitary authority for a certificate that these facilities have been provided, can generally be complied with in these cases, the architect being guided by duly authorised bye-laws. But in the case of old buildings covered by subsection 2, the case is different. At this date (December, 1901), the bye-laws which are to be made under section 15, are not yet in force. The drafting of such bye-laws applicable to buildings of various constructions, unless they are drawn up in very elastic terms, is a difficult matter (indeed, the Building Act Committee of the London County Council reported in 1899 that it was quite impossible), and owners must bear in mind that in all such cases it is submitted that these bye-laws cannot override the right to arbitration under s. 14 (3).

Manufacturers proposing to rent premises, should satisfy themselves that they comply with the requirements of section 14 before entering into occupation. It is *the duty of the sanitary authority* to inspect from time to time existing factories and workshops, and to specify what alterations it considers necessary in order to provide "such means of escape in case of fire for persons employed as can reasonably be required under the circumstances of each case" When such requisitions involve serious structural alterations the advice of an architect should be obtained, and alternative plans be submitted which will receive consideration, always presuming that the proposals fairly meet the object in view. In preparing such plans, due regard must be had to the structure and size of the building, number of floors, means of access to adjoining buildings from the upper floor, nature of the trade carried on, and the number of people employed. The chief requirement is generally an enclosed staircase, and in the case of a large building, two staircases, carried from the basement level to the roof and made of fire-resisting material. It will often be found that efficient facilities can be provided without adopting these extreme proposals, which are always costly, generally cumbersome, and inconvenient, and injurious to the value of the building for business purposes. Failing agreement on the alterations to be made, the local authority will serve on the owner a sealed notice containing its "irreducible minimum." If the owner, in the opinion of his professional adviser has offered to do all that a careful interpretation of the section requires, notice should be given to refer the difference to arbitration as provided in subsection 3, and it will often be found that the sanitary authority has as great a dislike to this course as the applicant probably has.

Byelaws for means of escape from fire.

15. *Every district council shall, in addition to any powers which they possess with reference to the prevention of fire, have power to make byelaws providing for means of escape from fire in the case of any factory or workshop, and sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act*, 1875, *shall apply to any byelaws so made.*

As to the meaning of "district council" see section 2, *ante*. ss. 182-186 of the Public Health Act, 1875 (38 and 39 Vict. c. 55.) provide for the making and

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alteration of byelaws, which must not be repugnant to the laws of England or to the Act, imposing a penalty not exceeding £5 for each offence and 40s. a day for continuing offences. They must be confirmed by the Local Government Board. It is submitted that bye-laws under this section must not interfere with matters dealt with under s. 14 *ante*.

By the common law byelaws must be (a) certain (b) reasonable (c) within the power of making them, and (d) not opposed to or inconsistent with the statute or common law.

Doors of factory or workshop to open from inside

16.—(1.) While any person employed in a factory or workshop is within the factory or workshop for the purpose of employment or meals, the doors of the factory or workshop, and of any room therein in which any such person is, must not be locked or bolted or fastened in such a manner that they cannot be easily and immediately opened from the inside.

(2.) In every factory or workshop the construction of which was not commenced before the first day of January one thousand eight hundred and ninety-six, the doors of each room in which more persons than ten are employed, shall, except in the case of sliding doors, be constructed so as to open outwards.

(3.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

For the penalty see s. 135 *post*.

Power to make order as to dangerous machine.

17.—(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any *part of the ways, works*, machinery, *or plant* used in a factory or workshop (*including a steam boiler used for generating steam*), is in such a condition that it cannot be used without danger to life or limb, by order, prohibit its use, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered.

(2.) Where a complaint has been made under this section, the court or a justice may, on application ex parte by the inspector, and on receiving evidence that the use of any such *part of the ways, works*, machinery, *or plant*, involves imminent danger to life, make an interim order prohibiting, either absolutely or subject to conditions, the use thereof until the earliest opportunity for hearing and determining the complaint.

(3.) If there is any contravention of an order under this section, the person entitled to control the use of *the part of the ways, works*, machinery, *or plant*, shall be liable to a fine not exceeding forty shillings a day during the contravention.

The introduction of the italicised words will afford additional protection to workmen such as "dockers" and the like who might otherwise be excluded and will probably increase the risks of employers under the Workmen's Compensation Acts.

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Power to make order as to unhealthy or dangerous factory or workshop

18.—(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any place used as a factory or workshop or as part of a factory or workshop is in such a condition that any manufacturing process or handicraft carried on therein cannot be so carried on without danger to health or to life or limb, by order, prohibit the use of that place for the purpose of that process or handicraft, until such works have been executed as are in the opinion of the court necessary to remove the danger.

(2.) Provided that proceedings shall not be taken under this section in cases where proceedings might be taken by or at the instance of any *district council* under the provisions of the law relating to public health, unless the inspector is authorised to take proceedings under the foregoing provisions of this Act with respect to the enforcement of sanitary provisions in workshops, *or with respect to matters punishable or remediable under the law relating to public health but not under this Act.*

(3.) If there is any contravention of an order under this section, the occupier of the place shall be liable to a fine not exceeding forty shillings a day during the contravention.

The foregoing provisions of the Act authorising an inspector to take proceedings as to the enforcement of sanitary provisions in workshops are contained in s. 4, *ante*, and those giving him such powers with respect to matters punishable or remediable under the law relating to public health, but not under this Act, are contained in s. 5, *ante*.

(iii.) *Accidents.*

Notice of accidents causing death or bodily injury.

19.—(1.) Where there occurs in a factory or workshop any accident which either—

(*a*) causes loss of life to a person employed in the factory or workshop; or

"Accident" means any accident whether caused by machinery or not, as *e.g.*, a sprain caused by tripping over a rope tied across a passage for a practical joke, see Lakeman *v.* Stephenson (1868) L.R. 3 Q.B. 192; 37 L.J.M.C. 57; 9 B. & S. 54; 18 L.T. 539; 16 W.R. 509 (decided under 7 and 8 Vict., c. 15, s. 22.)

(*b*) causes to a person employed in the factory or workshop such bodily injury as to prevent him on any one of the three working days next after the occurrence of the accident from being employed for five hours on his ordinary work,

written notice shall forthwith be sent to the inspector for the district.

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(2.) If the accident causes loss of life, or is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure, filled with hot liquid or molten metal or other substance, or by explosion or by escape of gas, steam, or metal, then, unless notice thereof is required by section sixty-three of the Explosives Act, 1875, to be sent to a Government inspector, notice thereof shall forthwith be sent to the certifying surgeon for the district.

38 & 39 Vict. c. 17.

(3.) The notice shall state the residence of the person killed or injured, and the place to which he has been removed.

(4.) If any notice required by this section to be sent with respect to an accident in a factory or workshop is not so sent, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

(5.) If any accident to which this section applies occurs to a person employed in an iron mill or blast furnace or other factory or workshop where the occupier is not the actual employer of the person killed or injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding five pounds.

Notice of accident is required to be sent by s. 63 of the Explosives Act, 1875, whenever there occurs any accident by explosion or by fire in or about or in connection with any factory, magazine, or store, or any accident by explosion or by fire causing loss of life or personal injury in or about or in connection with any registered premises.

Investigation of and report on accidents by certifying surgeon.

20.—(1.) Where a certifying surgeon receives in pursuance of this Act notice of an accident in a factory or worshop, he shall, with the least possible delay proceed to the factory or workshop, and make a full investigation as to the nature and cause of the death or injury caused by that accident, and within the next twenty-four hours send to the inspector a report thereof.

(2.) The certifying surgeon, for the purpose only of an investigation under this section, shall have the same powers as an inspector, and shall also have power to enter any room in a building to which the person killed or injured has been removed.

As to these powers, see s. 119, *post*.

Inquest in case of death by accident in factory or workshop.

21.—(1.) Where a death has occurred by accident in a factory or workshop, the coroner shall forthwith advise the district inspector of the time and place of holding the inquest, and, unless an inspector or some person on behalf of the Secretary of State is present to watch the proceedings, the coroner shall adjourn the inquest, and shall, at least four days

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before holding the adjourned inquest, send to the inspector notice in writing of the time and place of holding the adjourned inquest.

Provided that, if the accident has not occasioned the death of more than one person, and the coroner has sent to the inspector notice of the time and place of holding the inquest at such time as to reach the inspector not less than twenty four hours before the time of holding the inquest, it shall not be imperative on him to adjourn the inquest in pursuance of this section, if the majority of the jury think it unnecessary so to adjourn.

(2.) Any relative of any person whose death may have been caused by the accident with respect to which the inquest is being held, and any inspector, and the occupier of the factory or workshop in which the accident occurred, and any person appointed by the order in writing of the majority of the workpeople employed in the factory or workshop, shall be at liberty to attend at the inquest, and, either in person or by his counsel, solicitor, or agent, to examine any witness, subject nevertheless to the order of the coroner.

Power to direct formal investigation of accidents

22. Where it appears to the Secretary of State that a formal investigation of any accident occurring in a factory or workshop and its causes and circumstances is expedient, the Secretary of State may direct that such an investigation be held, and with respect to any such investigation the following provisions shall have effect:

(1.) The Secretary of State may appoint a competent person to hold the investigation, and may appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the investigation;

(2.) The person or persons so appointed (herein-after called "the court") shall hold the investigation in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident, and enabling the court to make the report in this section mentioned;

(3.) The court shall have for the purpose of the investigation all the powers of a court of summary jurisdiction when acting as a court in hearing informations for offences against this Act, and all the powers of an inspector under this Act, and in addition the following powers, namely:—

As to the powers of an inspector under the Act, see s. 119, *post*.

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(*a.*) Power to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purpose;

(*b.*) Power, by summons signed by the court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose, and for that purpose to require answers or returns to such inquiries as it thinks fit to make;

(*c.*) Power to require the production of all books, papers, and documents which it considers important for the said purpose;

(*d.*) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination:

(4.) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of His Majesty's superior courts, who on request, signed by the court, shall ascertain and certify the proper amount of the expenses:

(5.) The court holding an investigation under this section shall make a report to the Secretary of State, stating the causes of the accident and its circumstances, and adding any observations which the court thinks right to make:

(6.) All expenses incurred in and about an investigation under this section (including the remuneration of any person appointed to act as assessor) shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act:

(7.) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this section, or prevents or impedes the court in the execution of its duty, shall for every such offence be liable to a fine not exceeding ten pounds, and in the case of a failure to comply with a requisition for making any return or producing any document shall be liable to a fine not exceeding ten pounds for every day that such failure continues.

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The Secretary of State may cause any special report of an inspector or any report of a court under this Part of this Act to be made public at such time and in such manner as he may think fit.

PART II.

EMPLOYMENT.

(i.) *Hours and Holidays.*

Restrictions on period of employment of women, young persons, and children.

28. A woman, young person, or child shall not be employed in a factory or workshop except during the period of employment herein-after mentioned.

Hours of employment in textile factories—young persons and women.

24. With respect to the employment of women and young persons in a textile factory, the following regulations shall be observed:

(1.) The period of employment, except on Saturday, shall either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening;

(2.) The period of employment on Saturday shall begin either at six o'clock or at seven o'clock in the morning;

(3.) Where the period of employment on Saturday begins at six o'clock in the morning, that period—

(*a.*) If not less than one hour is allowed for meals, shall end at *noon* as regards employment in any manufacturing process, and at *half-past twelve* o'clock in the afternoon as regards employment for any purpose whatever; and

(*b.*) If less than one hour is allowed for meals, shall end at *half-past eleven o'clock in the forenoon* as regards employment in any manufacturing process, and at *noon* as regards employment for any purpose whatever;

The effect of the change is that employment in textile factories on Saturday is shortened by an hour, and that which formerly was matter of arrangement is now made compulsory. The Home Office has informed the Bradford Chamber of Commerce that it will not be permissible to extend the time for half an hour for the purpose of cleaning machinery.

(4.) Where the period of employment on Saturday begins at seven o'clock in the morning, that period shall end at half-past *twelve* o'clock in the afternoon as regards any manufacturing process, and at *one* o'clock in the afternoon as regards employment for any purpose whatever;

The words "half past twelve" replace the words "half past one," and the word "one" the word "two."

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(5.) There shall be allowed for meals during the said period of employment in the factory—

(*a*) on every day except Saturday not less than two hours, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon;

(*b*) on Saturday not less than half an hour;

(6.) A woman or young person shall not be employed continuously for more than four hours and a half, without an interval of at least half an hour for a meal.

Hours of employment in textile factories—children.

25. With respect to the employment of children in a textile factory the following regulations shall be observed:—

(1.) Children shall not be employed except on the system either of employment in morning and afternoon sets, or of employment on alternate days only.

(2.) The period of employment for a child in a morning set shall, except on Saturday, begin at the same hour as if the child were a young person, and end either—

(*a*) at one o'clock in the afternoon; or

(*b*) if the dinner time begins before one o'clock, at the beginning of dinner time; or

(*c*) if the dinner time does not begin before two o'clock, at noon.

(3.) The period of employment for a child in an afternoon set shall, except on Saturday, begin either—

(*a*) at one o'clock in the afternoon; or

(*b*) at any later hour at which the dinner time terminates; or

(*c*) if the dinner hour does not begin before two o'clock, and the morning set ends at noon, at noon;

and shall end at the same hour as if the child were a young person.

(4.) The period of employment for any child on Saturday shall begin and end at the same hour as if the child were a young person.

(5.) A child shall not be employed in two successive periods of seven days in the morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on two successive Saturdays, nor on Saturday in any week if on any other day in the same

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week his period of employment has exceeded five hours and a half.

(6.) When a child is employed on the alternate day system the period of employment for such child and the time allowed for meals shall be the same as if the child were a young person, but the child shall not be employed on two successive days, and shall not be employed on the same day of the week in two successive weeks.

(7.) A child shall not on either system be employed continuously for more than four hours and a half without an interval of at least half an hour for a meal.

Hours of employment in non-textile factories and workshops—young persons and women.

26. With respect to the employment of women and young persons in a non-textile factory, and a workshop, the following regulations shall be observed:—

(1.) The period of employment, except on Saturday, shall (save as is in this Act specially excepted) either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening, or begin at eight o'clock in the morning and end at eight o'clock in the evening.

For special exceptions see ss. 29, 36, 49—53, and 57, *post*.

(2.) The period of employment on Saturday (shall save as is in this Act specially excepted) begin at six o'clock in the morning and end at two o'clock in the afternoon, or begin at seven o'clock in the morning and end at three o'clock in the afternoon, or begin at eight o'clock in the morning and end at four o'clock in the afternoon.

For special exemptions see ss. 29, 30, 43, 44, and 57, *post*.

(3.) There shall be allowed for meals during the said period of employment in the factory or workshop—

(*a*) on every day except Saturday not less than one hour and a half, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon; and

(*b*.) on Saturday not less than half an hour.

(4.) A woman or a young person in a non-textile factory and a young person in a workshop shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal.

Hours of employment in non-textile

27. With respect to the employment of children in a non-textile factory and a workshop, the following regulations shall be observed:—

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factories and workshops—children.

(1.) Children shall not be employed except either on the system of employment in morning and afternoon sets, or (in a factory or workshop in which not less than two hours are allowed for meals on every day except Saturday) on the system of employment on alternate days only.

(2.) The period of employment for a child in the morning set on every day, including Saturday, shall begin at six or seven or eight o'clock in the morning and end either—

(*a*) at one o'clock in the afternoon; or

(*b*) if the dinner time begins before one o'clock at the beginning of dinner time; or

(*c*) if the dinner time does not begin before two o'clock, at noon.

(3.) The period of employment for a child in an afternoon set on every day, including Saturday, shall begin either—

(*a*) at one o'clock in the afternoon; or

(*b*) at any hour later than half-past twelve at which the dinner time terminates; or

(*c*) if the dinner time does not begin before two o'clock and the morning set ends at noon, at noon;

and shall end on Saturday at two o'clock in the afternoon, and on any other day at six or seven or eight o'clock in the evening, according as the period of employment for children in the morning set began at six or seven or eight o'clock in the morning.

(4.) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on Saturday in any week in the same set in which he has been employed on any other day of the same week.

(5.) When a child is employed on the alternate day system—

(*a*) The period of employment for such a child shall, except on Saturday, either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening, or begin at eight o'clock in the morning and end at eight o'clock in the evening;

(*b*) The period of employment for such child shall on Saturday begin at six or seven o'clock in the morning, and end at two o'clock in the afternoon, or begin at eight o'clock in the morning, and end at four o'clock in the afternoon;

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(*c*) There shall be allowed to such child for meals during the said period of employment not less, on any day except Saturday, than two hours, and on Saturday than half an hour; but

(*d*) The child shall not be employed in any manner on two successive days, and shall not be employed on the same day of the week in two successive weeks.

(6.) A child shall not on either system be employed continuously for more than five hours without an interval of at least half an hour for a meal.

Hours of employment in print works and bleaching and dyeing works.

28. In print works and bleaching and dyeing works the period of employment for a woman, young person, and child, and the times allowed for meals, shall be the same as if the works were a textile factory, and the regulations of this Act with respect to the employment of women, young persons, and children in a textile factory shall apply accordingly, as if print works and bleaching and dyeing works were textile factories; save that nothing in this section shall prevent the continuous employment of a woman, young person, or child in the works for five hours without an interval of half an hour for a meal.

For these regulations see ss. 24 and 25 *ante*.

Special provisions as to employment in women's workshops.

29.—(1.) In a workshop which is conducted on the system of not employing therein either children or young persons, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system—

(*a*) The period of employment for a woman shall, except on Saturday, be a specified period of twelve hours taken between six o'clock in the morning and ten o'clock in the evening, and shall on Saturday be a specified period of eight hours, taken between six o'clock in the morning and four o'clock in the afternoon; and

(*b*) There shall be allowed to a woman for meals and absence from work during the period of employment, a specified period not less, except on Saturday, than one hour and a half, and on Saturday than half an hour.

(2.) *Where the occupier of a workshop has served on an inspector notice of his intention to conduct that workshop on the system of not employing children or young persons therein, the workshop shall be deemed to be conducted on that system until the occupier changes it, and no change shall be made until the occupier has served on the inspector notice of his intention to change the system, and until the change a child or young person employed in the workshop shall be*

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deemed to be employed contrary to the provisions of this Act. A change in the system shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

Special provisions as to eight hours employment of women and young persons.

30. In a non-textile factory or workshop where a woman or young person has not been actually employed for more than eight hours on any day in a week, and notice of such non-employment has been affixed in the factory or workshop and served on the inspector, the period of employment on Saturday in that week for that woman or young person may be from six o'clock in the morning to four o'clock in the afternoon, with an interval of not less than two hours for meals.

Restriction on employment inside and outside factory or workshop on same day.

31.—(1.) A child must not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the child is employed in the factory or workshop.

(2.) A women or young person must not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the woman or young person is employed in the factory or workshop both before and after the dinner hour.

(3.) For the purposes of this section a woman, young person, or child to or for whom any work is given out, or who is allowed to take out any work to be done by him or her outside a factory or workshop, shall be deemed to be employed outside the factory or workshop on the day on which the work is so given or taken out.

(4.) If a woman or young person is employed by the occupier of a factory or workshop on the same day, both in the factory or workshop, and in a shop, then—

(*a*) the whole time during which that woman or young person is employed shall not exceed the number of hours permitted by this Act for her or his employment in the factory or workshop on that day; and

(*b*) *if the woman or young person is employed in the shop, except during the period of employment fixed by the occupier, and specified in a notice affixed in the factory or workshop in pursuance of this Act, the occupier shall make the prescribed entry in the general register with regard to her or his employment.*

As to the general register see s. 129, *post.*

(5.) This Act shall apply as if any woman, young person, or child employed in contravention of this section were employed in a factory or workshop contrary to the provisions of this Act.

For the penalty see s 137, *post.*

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Notice fixing hours of employment, &c.

32.—(1.) The occupier of every factory and workshop may fix within the limits allowed by this Act, and shall, subject to any special exceptions made by or in pursuance of this Act, specify in a notice which must be affixed in the factory or workshop—

(*a*) The period of employment;

(*b*) The times allowed for meals; and

(*c*) Whether the children are employed on the system of morning and afternoon sets or of alternate days.

As to the limits allowed by the Act, see s. 128, *post*.

(2.) In the factory or workshop where such a notice is required to be affixed, the period of employment, the times allowed for meals, and the system of employment for all the children in the factory or workshop, shall be those for the time being specified in the notice.

(3.) A change in the said period or times or system shall not be made until the occupier has served on an inspector, and affixed in the factory or workshop, notice of his intention to make the change, and shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

(4.) Where an inspector, by notice in writing, names a public clock, or some other clock open to public view, for the purpose of regulating the period of employment in a factory or workshop, the period of employment and the times allowed for meals in that factory or workshop shall be regulated by that clock.

Meal times to be simultaneous, and employment during meal times forbidden.

33.—With respect to meals the following regulations shall (save as is in this Act specially excepted) be observed in a factory and workshop:—

(1.) All women, young persons, and children employed therein shall have the times allowed for meals at the same hour of the day; and

(2) A woman, young person, or child shall not during any part of the times allowed for meals in the factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is then being carried on.

A lad employed in a spinning mill who during a meal time oiled spindles contrary to orders and of his own accord was held to have been "employed" within the meaning of the similar section 17 (2) of the Factory and Workshop Act, 1878 (41 and 42 Vict., c. 16), Prior *v.* Slaithwaite Spinning Co., Ltd., 1898, 1 Q.B. 881; 67 L.J.Q.B. 615; 78 L.T. 532; 46 W. R. 488; 62 J.P. 358.

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Prohibition of Sunday employment.

34.—A woman, young person, or child shall not (save as is in this Act specially excepted) be employed on Sunday in a factory or workshop.

Annual holidays and half holidays.

35.—(1.) Subject to any special exceptions made by or in pursuance of this Act, the occupier of a factory or workshop shall allow in each year to every woman, young person, and child employed in the factory or workshop the following holidays:—

In England there shall be allowed as whole holidays—

Christmas Day, Good Friday, and every Bank Holiday, unless, in lieu of any of those days, another whole holiday or two half holidays, fixed by the occupier, be allowed.

"Bank Holidays" are defined by s. 156 *post*.

In Scotland there shall be allowed—

(*a*) In burghs or police burghs, as whole holidays, the two days set apart by the Church of Scotland for the observance of the Sacramental Fast in the parish, or, if those fast days have been abolished or discontinued, two days, not less than three months apart, to be fixed by the town council; elsewhere, two whole holidays, not less than three months apart, fixed by the occupier;

(*b*) Eight half holidays fixed by the occupier, but a whole holiday, fixed by the occupier, may be allowed in lieu of any two half holidays.

In Ireland there shall be allowed—

(*a*) Christmas Day;

(*b*) Any two of the following days, fixed by the occupier, namely, the seventeenth of March (when it does not fall on a Sunday), Good Friday, Easter Monday, and Easter Tuesday;

(*c*) Six half holidays, fixed by the occupier, but a whole holiday, fixed by the occupier, may be allowed in lieu of any two half holidays.

(2.) At least half of the said whole holidays or half holidays shall be allowed between the fifteenth day of March and the first day of October in every year.

(3) A notice of every whole holiday or half holiday must be affixed in the factory or workshop during the first week in January, and a copy thereof must on the same day be forwarded to the inspector for the district, and unless the

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notice has been so affixed and sent cessation from work shall not be deemed to be a whole holiday or a half holiday:

Provided that—

(*a*) this subsection does not apply in the case of a whole holiday in a factory or workshop in England or Wales if the whole holiday is Christmas Day or Good Friday or a Bank Holiday;

(*b*) any such notice may be changed by a subsequent notice affixed and sent in like manner not less than fourteen days before the holiday or half holiday to which it applies.

(4.) A half holiday shall comprise at least one half of the period of employment for women and young persons on some day other than Saturday, *or a day substituted for Saturday.*

(5.) A woman, young person, or child who—

(*a*) on a whole holiday fixed by or in pursuance of this section for a factory or workshop is employed in the factory or workshop; or

(*b*) on a half holiday fixed in pursuance of this section for a factory or workshop is employed in the factory or workshop during the portion of the period of employment assigned for that half-holiday;

shall be deemed to be employed contrary to the provisions of this Act.

(6.) If in a factory or workshop such whole holidays or half holidays as are required by this section are not fixed in conformity therewith, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

(ii.) *Special Exceptions as to Hours and Holidays.*

Employment between 9 a.m. and 9 p.m. in certain cases.

86.—Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, or parts thereof, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that the grant can be made without injury to the health of the women, young persons, and children, affected thereby, he may, by Special Order, grant to that class of factories or workshops or parts thereof, a special exception that the period of employment for women and young persons therein, if so fixed by the occupier and specified in the notice, may on any day except Saturday

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begin at nine o'clock in the morning and end at nine o'clock in the evening, and in that case the period of employment for a child in a morning set shall begin at nine o'clock in the morning, and the period of employment for a child in an afternoon set shall end at eight o'clock in the evening.

An attempt was made, without success, to repeal this section. Special orders have been made under the similar s. 43 of the Factory and Workshop Act, 1878, exempting the Straw Hat and Bonnet Trade, the London Bookbinding Trade, the Manchester and Salford Drapers' Workrooms and the Fish Curing Trade, the operation of which is preserved by s. 161 (2) *post*, and it will be noticed that power is given to extend the exemption to any class of non-textile factories or workshops. See Appendix.

Employment of male young persons above 16 in lace factories.

37.—(1.) In the part of a textile factory in which a machine for the manufacture of lace is moved by steam, water, or other mechanical power, the period of employment for any male young person above the age of sixteen years may be between four o'clock in the morning and ten o'clock in the evening, if he is employed in accordance with the following conditions; namely:—

(*a*) Where he is employed on any day before the beginning or after the end of the ordinary period of employment, there must be allowed him for meals and absence from work between the above-mentioned hours of four in the morning and ten in the evening not less than nine hours; and

(*b*) Where he is employed on any day before the beginning of the ordinary period of employment, he must not be employed on the same day after the end of that period; and

(*c*) Where he is employed on any day after the end of the ordinary period of employment, he must not be employed next morning before the beginning of the ordinary period of employment.

(2.) For the purpose of this exception the ordinary period of employment means the period of employment for women or young persons under the age of sixteen years in the factory, or, if none are employed, means such period as can under this Act be fixed for the employment of women and young persons under the age of sixteen years in the factory, and notice of such period shall be affixed in the factory.

Employment of male young persons above 16 in bakehouses.

38.—(1.) In the part of a bakehouse in which the process of baking bread is carried on, the period of employment for any male young person above the age of sixteen years may be between five o'clock in the morning and nine o'clock in the evening, if he is employed in accordance with the following conditions; namely:—

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(*a*) Where he is employed on any day before the beginning or after the end of the ordinary period of employment, there must be allowed him for meals and absence from work between the above-mentioned hours of five in the morning and nine in the evening not less than seven hours; and

(*b*) Where he is employed on any day before the beginning of the ordinary period of employment, he must not be employed on the same day after the end of that period; and

(*c*) Where he is employed on any day after the end of the ordinary period of employment, he must not be employed next morning before the beginning of the ordinary period of employment.

(2.) For the purposes of this exception the ordinary period of employment means the period of employment for women or young persons under the age of sixteen years in the bakehouse, or, if none are employed, means such period as can under this Act be fixed for the employment of women and young persons under the age of sixteen years in the bakehouse, and notice of that period shall be affixed in the bakehouse.

Five hours spell in certain factories.

39.—(1.) In any of the textile factories to which this exception applies, a woman, young person, or child may, between the first day of November and the last day of March next following, be employed continuously for five hours without an interval for a meal; provided that,—

(*a*) the period of employment fixed by the occupier and specified in the notice begins at seven o'clock in the morning; and

(*b*) the whole time between that hour and eight o'clock is allowed for meals.

(2.) This exception applies to textile factories solely used for—

(*a*) the making of elastic web; or

(*b*) the making of ribbon; or

(*c*) the making of trimming.

(3.) Where it is proved to the satisfaction of the Secretary of State that in any class of textile factories, either generally or when situate in any particular locality, the customary habits of the persons employed therein require the extension thereto of this exception, and that the manufacturing process carried on therein is of a healthy character, and the extension

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can be made without injury to the health of the women, young persons, and children, affected thereby, he may, by Special Order, extend this exception accordingly. *The limitation of this exception to the period between the first day of November and the following last day of March shall not, if the Secretary of State by Special Order so directs, apply to hosiery factories.*

See Appendix for an order made under the similar section of the Act of 1878, the operation of which is preserved by s. 161 (2) *post.*

Different meal times for different sets, and employment during meal times.

40.—(1.) The provisions of this Act which require that all the women, young persons, and children employed in a factory or workshop must have the times allowed for meals at the same hour of the day shall not apply to the following factories, namely :—

(i) Blast furnaces, or

(ii) Iron mills, or

(iii) Paper mills, or

(iv) Glass works, or

(v) Letter-press printing works.

(2.) The provisions of this Act which require that a woman, young person, or child shall not during the times allowed for meals be employed or be allowed to remain in a room in which a manufacturing process or handicraft is being carried on shall not apply to the following factories, namely :—

(i) Iron mills, or

(ii) Paper mills, or

(iii) Glass works (except any part in which the materials are mixed, and, in the case of glass works where flint glass is made, any part in which the work of grinding, cutting, or polishing is carried on), or

(iv) Letter-press printing works.

(3.) In that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on—

(i) A male young person may have the times allowed him for meals at different hours of the day from other young persons and women and children employed in the factory;

(ii) A male young person may during the times allowed for meals to any other young person or to any woman or child be employed or be allowed to remain in a room in which a manufacturing process is carried on; and

(iii) During the times allowed for meals to a male young

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person any other young person or any woman or child may be employed in the factory or be allowed to remain in a room in the factory or be allowed to remain in a room in which a manufacturing process is carried on.

(4.) Where it is proved to the satisfaction of the Secretary of State that in any class of factories or workshops or parts thereof it is necessary, by reason of the continuous nature of the process or of special circumstances affecting that class, to extend thereto both or either of the following exceptions, namely :—

(*a*) an exception permitting the women, young persons, and children employed in the factory or workshop to have the times allowed for meals at different hours of the day ; or

(*b*) an exception permitting women, young persons, and children during the times allowed for meals in the factory or workshop, to be employed in the factory or workshop or to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on,

and that the extension can be made without injury to the health of the women, young persons, and children, affected thereby, he may, by Special Order, extend both or either of those exceptions accordingly.

See Appendix for orders made under the similar section of the Act of 1878, the operation of which is preserved by s. 161 (2) *post*.

Special exceptions as to fish and fruit preserving.

41.—(1.) The provisions of this Act as to period of employment, times for meals, and holidays, shall not apply to young persons and women engaged—

(*a*) in processes in the preserving and curing of fish which must be carried out immediately on the arrival of the fishing boats in order to prevent the fish from being destroyed or spoiled ; or

(*b*) in the process of cleaning and preparing fruit so far as is necessary to prevent the spoiling of the fruit *immediately* on its arrival at a factory or workshop during the months of June, July, August, and September, *but this exception shall be subject to such conditions as the Secretary of State may by Special Order prescribe.*

(2.) Where an occupier avails himself of this exception, the notice required to be served and affixed by an occupier of a factory or workshop availing himself of any special exception, need not specify the hours for the beginning and end of the period of employment, or the times to be allowed for meals.

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Special exceptions as to creameries.

42. *In the case of creameries in which women and young persons are employed, the Secretary of State may, by Special Order, vary the beginning and end of the daily period of employment of those women and young persons, and the times allowed for their meals, and allow their employment for not more than three hours on Sundays and holidays: Provided that the order shall not permit any excess over either the daily or the weekly maximum number of hours of employment allowed by this Act.*

Substitution of another day for Saturday.

43. Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require some other day in the week to be substituted for Saturday as regards the hour at which the period of employment for women, young persons, and children is required by this Act to end on Saturday, he may, by Special Order, grant to that class of factories or workshops a special exception, authorising the occupier of every such factory and workshop to substitute by a notice affixed in his factory or workshop some other day for Saturday, and in that case this Act shall apply in the factory or workshop in like manner as if the substituted day were Saturday, and Saturday were an ordinary work day. *In the case of newspaper printing offices, he may by such order authorise the substitution of some other day for Saturday in respect of some of the young persons therein employed.*

See Appendix for orders made under the similar section of the Act of 1878, the operation of which is preserved by s. 161 (2) *post.*

Saturday employment in Turkey red dyeing.

44. In the process of Turkey red dyeing the period of employment for women and young persons on Saturday may extend until half-past four o'clock in the afternoon, but the additional number of hours so worked shall be computed as part of the week's limit of work, which must in no case be exceeded.

Holidays on different days for different sets.

45 Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, he may, by Special Order, grant to that class of factories or workshops a special exception authorising the occupier of any such factory or workshop to allow all or any of the annual whole holidays or half holidays on different days to any of the women, young persons, and children employed in his factory or workshop, or to any sets of those

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women, young persons, and children, and not on the same days.

See Appendix for an order made under the similar section of the Act of 1878, the operation of which is preserved by s. 161 (2) *post*.

Employment inside and outside on the same day.

46.—Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of factories or workshops, or parts thereof, either generally or when situate in any particular locality, require that that trade should be excepted from the operation of the provisions of this Act relating to employment inside and outside a factory or workshop on the same day, he may, by special order, grant to that class of factories or workshops, or parts thereof, such special exception as may be necessary.

Hours and holidays in factory or workshop of Jewish occupier.

47.—Where the occupier of a factory or workshop is a person of the Jewish religion—

(1.) If he keeps his factory or workshop closed on Saturday until sunset, he may employ women and young persons on Saturday from after sunset until nine o'clock in the evening; or

(2) If he keeps his factory or workshop closed on Saturday both before and after sunset, he may employ women and young persons one hour on every other day in the week (not being Sunday), in addition to the hours allowed by this Act, so that such hour be at the beginning or end of the period of employment, and be not before six o'clock in the morning or after nine o'clock in the evening.

Sunday employment of Jews in factory or workshop of Jewish occupier.

48.—Where the occupier of a factory or workshop is a person of Jewish religion, a woman or young person of the Jewish religion may be employed on Sunday, subject to the following conditions:—

(1) The factory or workshop must be closed on Saturday and must not be open for traffic on Sunday; and

(2.) The occupier must not avail himself of the exception authorising the employment of women and young persons on Saturday evening, or for an additional hour during any other day in the week.

Where the occupier avails himself of this exception, this Act shall apply to the factory or workshop in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday, and in the provisions thereof respecting Saturday the word Sunday, or, if the occupier so specify in the notice, the word Friday were substituted for Saturday.

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Where garments were sent to an employer to be button-holed, and the shop was open on Sunday for the purpose of the customers bringing or taking away the garments it was held that the shop was not open for traffic on Sunday ; otherwise if orders had been given on Sunday ; Goldstein *v.* Vaughan 1897, 1 Q.B. 549 ; 66 L.J.Q.B. 380 ; 76 L.T. 262 ; 45 W.R. 399 ; 61 J.P. 277, (decided on ss. 21 and 51 of the Factory and Workshop Act, 1878.)

Overtime.

Overtime employment of women for press of work.

49.—(1.) In the non-textile factories and workshops or parts thereof and warehouses to which this exception applies, the period of employment for women on any day except Saturday, or any day substituted for Saturday, may be between six o'clock in the morning and eight o'clock in the evening, or between seven o'clock in the morning and nine o'clock in the evening, or between eight o'clock in the morning and ten o'clock in the evening, if they are employed in accordance with the following conditions, namely :—

(*a*) There must be allowed to every woman for meals during the period of employment not less than two hours, of which half an hour must be after five o'clock in the evening ; and

(*b*) A woman must not be so employed in the whole for more than three days in any one week ; and

(*c*) Overtime employment under this section must not take place in a factory or workshop on more than thirty days in the whole in any twelve months, *and in reckoning that period of thirty days, every day on which any woman has been employed overtime is to be taken into account.*

(2) This exception applies to the non-textile factories and workshops and parts thereof and warehouses specified in the Second Schedule to this Act, *except that it does not apply to a workshop or part thereof which is conducted on the system of not employing any young person or child therein.*

(3) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the material which is the subject of the manufacturing process or handicraft therein being liable to be spoiled by the weather, or by reason of press of work arising at certain recurring seasons of the year, or by reason of the liability of the business to a sudden press of orders arising from unforeseen events, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women affected thereby, he may, by Special Order, extend this exception to those factories or workshops or parts thereof.

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Efforts were made but without success to shorten the periods allowed by this section. See "Parliamentary History of the Act" *ante*. See also Appendix for orders made under the similar provision of the Act of 1878, the operation of which is preserved by s. 161 (2) *post*. Young persons were within the former provision, but are now excluded.

Overtime employment of women on perishable articles.

50.—(1.) In the factories and workshops and parts thereof to which this exception applies, the period of employment for a woman may on any day except Saturday, or any day substituted for Saturday, be between six o'clock in the morning and eight o'clock in the evening, or between seven o'clock in the morning and nine o'clock in the evening, if she is employed in accordance with the following conditions, namely :—

(*a*) There must be allowed her for meals not less than two hours, of which half an hour must be after five o'clock in the evening; and

(*b*) She must not be so employed in the whole for more than *three* days in any one week; and

(*c*) Overtime employment under this section must not take place in a factory or workshop on more than *fifty* days in the whole in any twelve months; and in reckoning that period of fifty days, every day on which any woman has been employed overtime is to be taken into account.

(2.) This exception applies to every factory and workshop or part thereof in which is carried on—

(*a*) the process of making preserves from fruit; or

(*b*) the process of preserving or curing fish; or

(*c*) the process of making condensed milk.

(3.) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the perishable nature of the articles or materials which are the subject of the manufacturing process or handicraft, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women employed, he may, by Special Order, extend this exception to those factories or workshops or parts thereof.

"Three days" take the place of "five days," and "fifty days" replace "sixty days." There are other special exemptions applied to fish curing and fruit preserving by s. 41, *ante*. See Appendix for an order made under the similar provision of the Act of 1878, the operation of which is preserved by s. 161 (2) *post*.

Overtime employment on incomplete process.

51.—(1.) If in any factory or workshop or part thereof to which this exception applies, the process in which a woman, young person, or child is employed, is in an incomplete state at

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the end of the period of employment of the woman, young person, or child, the woman, young person, or child may on any day except Saturday, or any day substituted for Saturday, be employed for a further period not exceeding thirty minutes:

Provided that those further periods, when added to the total number of hours of the periods of employment of the woman, young person, or child in that week, do not raise that total above the number otherwise allowed under this Act.

(2.) This exception applies to the factories and workshops following, namely:—

(*a*) Bleaching and dyeing works;

(*b*) Print works;

(*c*) Iron mills in which male young persons are not employed during any part of the night;

(*d*) Foundries in which male young persons are not employed during any part of the night; and

(*e*) Paper mills in which male young persons are not employed during any part of the night.

(3.) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof the time for the completion of a process cannot by reason of the nature thereof be accurately fixed, and that the extension to that class of factories or workshops or parts thereof of this exception can be made without injury to the health of the women, young persons, and children, affected thereby, he may by Special Order extend this exception accordingly.

See Appendix for an order made under the similar provision of the Act of 1878, the operation of which is preserved by s. 161 (2) *post*.

Overtime employment in factories driven by water.

52.—Where it appears to the Secretary of State that factories driven by water power are liable to be stopped by drought or flood, he may, by Special Order, grant to those factories a special exception permitting the employment of women and young persons during a period of employment from six o'clock in the morning until seven o'clock in the evening, on such conditions as he thinks proper, but so as that no person shall be deprived of the meal hours by this Act provided, nor be so employed on Saturday, or any day substituted for Saturday, and that as regards factories liable to be stopped by drought, the special exception shall not extend to more than ninety-six days in any period of twelve months, and as regards factories liable to be stopped by floods, the special exception shall not extend to more than forty-eight days in any period of twelve months. This

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overtime shall not extend in any case beyond the time already lost during the previous twelve months.

See Appendix for an order made under the similar provision of the Act of 1878, the operation of which is preserved by s. 161 (2) *post*.

Overtime employment in Turkey red dyeing and open-air bleaching.

53.—A woman or young person may on any day except Saturday, or any day substituted for Saturday, be employed beyond the period of employment, so far as is necessary for the purpose only of preventing any damage which may arise from spontaneous combustion in the process of Turkey red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching.

Night Work.

Night employment of male young persons of 14.

54.—(1.) In the factories and workshops to which this exception applies, a male young person of fourteen years of age and upwards may be employed during the night, if he is employed in accordance with the following conditions, namely—

(*a*) The period of employment must not exceed twelve consecutive hours, and must begin and end at the hours specified in the notice in this Act mentioned: and

(*b*) The provisions of this Part of this Act with respect to the allowance of times for meals shall be observed with the necessary modifications as to the hour at which the meal times are fixed; and

(*c*) A young person employed during any part of the night must not be employed during any part of the twelve hours preceding or succeeding the period of employment; and

(*d*) He must not be employed on more than six nights, or in the cast of blast furnaces or paper mills seven nights, in any two weeks; provided that this condition shall not prevent the employment of male young persons in three shifts of not more than eight hours each, if there is an interval of two unemployed shifts between each two shifts of employment; and

(*e*) In the case of blast furnaces, iron mills, letter-press printing works, or paper mills, he must not be employed during the night in any process other than a process incidental to the business of the factory as described in Part I. of the Sixth Schedule to this Act.

(2) The provisions of this Act with respect to the period of employment on Saturday, and with respect to the allowance to young persons of whole or half holidays, shall not apply to a

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male young person employed in day and night turns in pursuance of this exception.

(3.) This exception applies to the following factories, namely:—

(*a*) Blast furnaces,

(*b*) Iron mills,

(*c*) Letter-press printing works, and

(*d*) Paper mills.

(4.) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops, or parts thereof, it is necessary by reason of the nature of the business requiring the process to be carried on throughout the night to employ male young persons of sixteen years of age and upwards at night, and that such employment will not injure the health of the male young persons employed, he may, by Special Order, extend this exception to those factories or workshops or parts thereof so far as regards young persons of the age of sixteen years and upwards.

See Appendix for an order made under the similar provision of the Act of 1878, the operation of which is preserved by s. 161 (2) *post*.

Night employment of male young persons of 14 in glass works.

55.—In glass works a male young person of fourteen years of age and upwards may work according to the accustomed hours of the works, if he is employed in accordance with the following conditions, namely:—

(*a*) The total number of hours of the periods of employment must not exceed sixty in any one week; and

(*b*) The periods of employment must not exceed fourteen hours in four separate turns per week, or twelve hours in five separate turns per week, or ten hours in six separate turns per week, or any less number of hours in the accustomed number of separate turns per week, so that the number of turns do not exceed nine; and

(*c*) He must not work in any turn without an interval of time not less than one full turn; and

(*d*) He must not be employed continuously for more than five hours without an interval of at least half an hour for a meal; and

(*e*) He must not be employed on Sunday.

Night employment of male young persons of 16 in printing newspapers.

56.—In a factory or workshop in which the process of printing newspapers is carried on on not more than two nights in the week, a male young person above the age of sixteen years may be employed at night during not more than two nights in a week, as if he were no longer a young person:

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Provided that he must not in pursuance of this exception be employed more than twelve hours in any consecutive period of twenty-four hours.

Intermittent Employment.

Exemption for certain flax scutch mills.

57.—(1.) The regulations of this Act with respect to the period of employment for women shall not apply to flax scutch mills which are conducted on the system of not employing either young persons or children therein, and which are worked intermittently, and for periods only which do not exceed in the whole six months in any year.

(2.) A flax scutch mill shall not be deemed to be conducted on the system of not employing either young persons or children therein, until the occupier has served on an inspector notice of his intention to conduct the mill on that system.

Power to impose sanitary requirements as condition of special exception.

58.—(1.) Where it appears to the Secretary of State—

(*a*) That the adoption of any special means or provision for the cleanliness or ventilation of a factory or workshop is required for the protection of the health of women, young persons, or children, employed, in pursuance of an exception under this Part of this Act, either for a longer period than is otherwise allowed by this Act, or at night; or

(*b*) That the adoption of a special provision as to the total number of hours of employment in each week, the periods of employment, and the intervals between such periods, is required for the protection of the health of any women or young persons employed in pursuance of such an exception at night,

he may, by Special Order, direct that the adoption of the means or provision shall be a condition of such employment.

(2.) If it appears to the Secretary of State that the adoption of any such means or provision is no longer required, or is, having regard to all the circumstances, inexpedient, he may, by Special Order, rescind the order directing the adoption without prejudice to the subsequent making of another order.

Power to rescind orders as to special exceptions.

59.—Where an exception has been granted or extended under this Act by an order of the Secretary of State, and it appears to the Secretary of State that the exception is injurious to the health of the women, young persons, or children employed in, or is no longer necessary for the carrying on of the business in, the class of factories or workshops or parts thereof to which the exception was so granted or extended,

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he may, by Special Order, rescind the grant or extension, without prejudice to the subsequent making of another order.

Notices, registers, &c., relating to special exceptions.

60.—An occupier of a factory or workshop, not less than seven days before he avails himself of any special exception made by or in pursuance of this Act, shall serve on the inspector for the district, and affix in his factory or workshop, notice of his intention so to avail himself, and whilst he avails himself of the exception shall keep the notice so affixed.

(2.) Before the service of the notice on the inspector the special exception shall not be deemed to apply to the factory or workshop, and after the service of the notice on the inspector it shall not be competent in any proceeding under this Act for the occupier to prove that the exception does not apply to his factory or workshop, unless he has previously served on the inspector for the district notice that he no longer intends to avail himself of the exception.

(3.) The notice so served and affixed must, except as otherwise provided by this Act, specify the hours for the beginning and end of the period of employment, and the times to be allowed for meals to every woman, young person, and child where they differ from the ordinary hours or times.

(4.) An occupier of a factory or workshop shall enter in the prescribed register and report to the inspector for the district the prescribed particulars respecting the employment of a woman, young person, or child in pursuance of a special exception ; and, in the case of employment overtime, he shall also cause a notice containing the prescribed particulars respecting the employment to be kept affixed in the factory or workshop during the prescribed time, and he shall send the report required by this subsection to the inspector not later than eight o'clock in the evening on which any woman, young person, or child is employed overtime in pursuance of the exception.

(5.) Where the occupier of a factory or workshop avails himself of a special exception made by or in pursuance of this Act, and a condition for availing himself of that exception (whether specified in this Act, or in an order of the Secretary of State made under this Act) is not observed in that factory or workshop, then

(*a*) If the condition relates to the cleanliness, ventilation, or overcrowding of the factory or workshop, the factory or workshop shall be deemed not to be kept in conformity with this Act; and

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(*b*) In any other case a woman, young person, or child, employed in the factory or workshop, in alleged pursuance of the exception, shall be deemed to be employed contrary to the provisions of this Act.

(6.) *Where an occupier of a factory or workshop has served on an inspector a report in pursuance of this section of his intention to employ any persons overtime by virtue of a special exception, the report shall, unless withdrawn, be primâ facie evidence in any proceedings under this Act that the occupier has in fact employed persons overtime in accordance with the report.*

(iii.) *Fitness for Employment.*

Prohibition of employment of women after childbirth.

61.—An occupier of a factory or workshop shall not knowingly allow a woman *or girl* to be employed therein within four weeks after she has given birth to a child.

Prohibition of employment of children under twelve.

62. A child under the age of *twelve* years must not be employed in a factory or workshop unless lawfully so employed at the commencement of this Act.

Where a child under eight was sent to a person to be taught reading and how to make straw plait, the plait being sold by the child's mother, it was held that the child was employed within the meaning of ss. 6 and 7 of the Workshop Regulation Act, 1867 (30 and 31 Vict. c. 146), Beadon *v.* Parrott (1871) L. R. 6 Q. B. 719 ; 40 L. J. M. C., 200 ; 19 W. R. 1144.

Certificates of fitness for employment of young persons under 16 and children in factories.

63. (1.) In a factory a young person under the age of sixteen years or a child must not be employed for more than seven, or if the certifying surgeon for the district resides more than three miles from the factory thirteen, work days, unless the occupier of the factory has obtained a certificate, in the prescribed form, of the fitness of the young person or child for employment in that factory.

(2.) When a child becomes a young person a fresh certificate of fitness must be obtained.

(3.) The occupier shall, when required, produce to an inspector at the factory in which a young person or child is employed the certificate of fitness of that young person or child for employment.

Regulations as to grant of certificate of fitness

64. With respect to a certificate of fitness for employment for the purposes of this Act, the following provisions shall have effect :—

(1.) The certificate shall be granted by the certifying surgeon for the district.

(2.) The certificate must not be granted except upon personal examination of the person named therein.

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(3.) A certifying surgeon shall not examine a young person or child for the purpose of the certificate or sign the certificate elsewhere than at the factory where the young person or child is or is about to be employed, unless the number of young persons and children employed in that factory is less than five, or unless for some special reason allowed in writing by an inspector.

(4.) The certificate must be to the effect that the certifying surgeon is satisfied, by the production of a certificate of birth or other sufficient evidence, that the person named in the certificate is of the age therein specified, and has been personally examined by him and is not incapacitated by disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate.

(5.) *The certificate may be qualified by conditions as to the work on which a child or young person is fit to be employed, and if it is so qualified the occupier shall not employ the young person or child otherwise than in accordance with the conditions.*

(6.) *A certifying surgeon shall have the same powers as an inspector for the purpose of examining any process in which a child or young person presented to him for the grant of a certificate is proposed to be employed.*

For the powers of inspectors see s. 119 *post.*

(7.) All factories in the occupation of the same occupier and in the district of the same certifying surgeon, or any of them, may be named in the certificate, if the surgeon is of opinion that he can truly give the certificate for employment therein.

(8.) The certificate of birth (which may be produced to a certifying surgeon) shall either be a certified copy of the entry in the register of births, kept in pursuance of the Acts relating to the registration of births, of the birth of the young person or child (whether that copy is obtained in pursuance of the Elementary Education Act, 1876, or otherwise), or be a certificate from a local authority within the meaning of the Elementary Education Act, 1876, to the effect that it appears from the returns transmitted to that authority in pursuance of the said Act by the registrar of births and deaths that the child was born at the date named in the certificate.

39 & 40 Vict. c. 79

The certificate may be obtained under s. 25 of the Elementary Education Act, 1876 (39 and 40 Vict. c. 79).

The local authority within the meaning of the Elementary Education Act, 1876, is the School Board where there is one, and if there is none the school committee appointed annually in boroughs by the Council and in parishes by the Guardians of the Union, see s. 7.

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(9.) Where the certificate is to the effect that the certifying surgeon has been satisfied of the age of a young person or child by evidence other than the production of a certificate of birth, an inspector may, by notice in writing, annul the surgeon's certificate if he has reasonable cause to believe that the real age of the young person or child named in it is less than that mentioned in the certificate, and thereupon that certificate shall be of no avail for the purposes of this Act.

(10.) Where a certifying surgeon refuses to grant a certificate for any person examined by him, he shall when required give in writing and sign the reasons for his refusal.

Power to obtain certificates of fitness for employment in workshops.

65.—In order to enable occupiers of workshops to better secure the observance of this Act, and prevent the employment in their workshops of young persons under the age of sixteen years and children who are unfitted for that employment, an occupier of a workshop may obtain, if he thinks fit, from the certifying surgeon for the district, certificates of the fitness of young persons under the age of sixteen years and children for employment in his workshop, in like manner as if that workshop were a factory and the certifying surgeon shall examine the young persons, and children, and grant certificates accordingly.

Power to require certificates of fitness for employment in certain workshops.

66.—(1.) Where it appears to the Secretary of State that by reason of special circumstances affecting any class of workshops it is expedient for protecting the health of young persons under the age of sixteen years, and of the children employed therein, to extend thereto the prohibition in this section mentioned, he may, by Special Order, extend to that class of workshops the prohibition in this Act of the employment of young persons under the age of sixteen years and children without a certificate of the fitness of the young person or child for employment, and thereupon the provisions of this Act with respect to certificates of fitness for employment shall apply to the class of workshops named in the order in like manner as if they were factories.

(2.) If the prohibition is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of the young persons under the age of sixteen years and the children employed in any class of workshops to which it has been extended under this section, he may, by Special Order, rescind the order of extension, without prejudice to the subsequent making of another order.

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Power of inspector to require surgical certificate of capacity for work

67. Where an inspector is of opinion that a young person under the age of sixteen years or a child is by disease or bodily infirmity incapacitated for working daily for the time allowed by law in the factory or workshop in which he is employed, he may serve written notice thereof on the occupier of the factory or workshop, requiring that the employment of that young person or child be discontinued from the period named therein, not being less than one nor more than seven days after the service of the notice, and the occupier shall not continue after the period named in the notice to employ that young person or child (notwithstanding that a certificate of fitness has been previously obtained for the young person or child), unless the certifying surgeon for the district has, after the service of the notice, personally examined the young person or child, and has certified that the young person or child is not so incapacitated as aforesaid.

PART III.

EDUCATION OF CHILDREN.

Attendance at school of children employed in factory or workshop.

68.—(1.) The parent of a child employed in a factory or workshop shall cause that child to attend some recognised efficient school (which school may be selected by the parent), as follows:—

(*a*) The child, when employed in a morning or afternoon set, must in every week, during any part of which he is so employed, be caused to attend on each work day for at least one attendance; and

(*b*) The child, when employed on the alternate day system, must on each work day preceding each day of employment be caused to attend for at least two attendances;

(*c*) An attendance for the purposes of this section shall be an attendance as defined for the time being by the Secretary of State with the consent of the Board of Education, and be between the hours of eight in the morning and six in the evening:

See Appendix for an order made under the similar provision of the Act of 1878, the operation of which is preserved by 161 (2) *post*.

Provided as follows:—

(i) A child shall not be required by this Act to attend school on Saturday or on any holiday or half holiday allowed under this Act in the factory or worshop in which the child is employed:

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(ii.) The non-attendance of a child shall be excused on every day on which he is certified by the teacher of the school to have been prevented from attending by sickness or other unavoidable cause, and when the school is closed during the ordinary holidays or for any other temporary cause:

(iii.) Where there is not within the distance of two miles, measured according to the nearest road, from the residence of the child, a recognized efficient school which the child can attend, attendance at a school temporarily approved in writing by an inspector, although not a recognised efficient school, shall for the purposes of this Act be deemed attendance at a recognized efficient school until such recognized efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the Board of Education every case of the approval of a school by him under this section.

(2.) A child who has not in any week attended school for all the attendances required by this section must not be employed in the following week until he has attended school for the deficient number of attendances.

(3.) The Board of Education shall, by the publication of lists or of notices or otherwise as they think expedient, provide for giving to all persons interested information of the schools in each school district which are recognised efficient schools.

Obtaining of school attendance certificate by occupier.

69.—(1.) The occupier of a factory or workshop in which a child is employed shall on Monday in every week (after the first week in which the child began to work in therein), or on some other day appointed for that purpose by an inspector, obtain from the teacher of the recognised efficient school attended by a child a certificate (according to the prescribed form and directions) respecting the attendance of the child at school in accordance with this Act.

(2.) If a child is employed without such certificate being obtained as is required by this section, the child shall be deemed to be employed contrary to the provisions of this Act.

(3.) The occupier shall keep every such certificate for two months after the date thereof, if the child so long continues to be employed in his factory or workshop, and shall produce the same to an inspector when required during that period.

Payment by occupier of

70.—The persons who manage a recognised efficient school attended by a child employed in a factory or workshop, or some

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sum for schooling

person authorised by them may (*if fees for children may be charged in that school*) apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the application, not exceeding threepence and not exceeding one-twelfth part of the wages of the child, and after that application the occupier, so long as he employs the child, shall be liable to pay to the applicants, while the child attends their school, that weekly sum, and the sum may be recovered as a debt, and the occupier may deduct the sum so paid by him from the wages payable for the services of the child.

Employment as young person of child of 13 on obtaining educational certificate.

71.—(1.) When a child of the age of thirteen years has obtained from a person authorised by the Board of Education a certificate of having attained such standard of proficiency in reading, writing, and arithmetic, or such standard of previous due attendance at a certified efficient school as is mentioned in this section, that child shall be deemed to be a young person for the purposes of this Act.

(2.) The standards of proficiency and due attendance for the purposes of this section shall be such as may be from time to time fixed for the purposes of this Act by the Secretary of State, with the consent of the Board of Education, and the standards so fixed shall be published in the London Gazette, and shall not have effect until the expiration of at least six months after such publication.

See Appendix for an order made under the similar provision of the Act of 1878, the operation of which is preserved by s. 161 (2) *post*.

(3.) Attendance at a certified day industrial school shall be deemed for the purposes of this section to be attendance at a certified efficient school.

Definitions of "certified effieient school," and "recognised efficient school."

72.—(1.) In this Act—

The expression "certified efficient school" means a public elementary school within the meaning of the Elementary Education Acts, 1870 to 1900, and any workhouse school in England certified to be efficient by the Local Government Board, and any elementary school which is not conducted for private profit and is open at all reasonable times to the inspection of His Majesty's inspectors of schools, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as are for the time being required by the Board of Education, and is certified by the Board to be an efficient school; and

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The expression "recognised efficient school" means a certified efficient school, and any school which the Board of Education have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district, and which is recognised for the time being by an inspector under this Act as giving efficient elementary education. 33 & 34 Vict. c. 75.

(2.) An inspector shall immediately report to the Board of Education every school recognised by him as giving efficient elementary education.

Public Elementary Schools are defined by s. 7 of the Elementary Education Act, 1870, 33 and 34 Vict. c. 75.

PART IV.

DANGEROUS AND UNHEALTHY INDUSTRIES.

(i.) *Special Provisions.*

Notification of certain diseases contracted in factory or workshop.

73.—(1.) Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenical or mercurial poisoning, or anthrax, contracted in any factory or workshop, shall (unless the notice required by this subsection has been previously sent) send to the Chief Inspector of Factories at the Home Office, London, a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of two shillings and sixpence, to be paid as part of the expenses incurred by the Secretary of State in the execution of this Act.

(2.) If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding forty shillings.

(3.) Written notice of every case of lead, phosphorus, or arsenical or mercurial poisoning, or anthrax, occurring in a factory or workshop, shall forthwith be sent to the inspector and to the certifying surgeon for the district; and the provisions of this Act with respect to accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.

For these provisions see sections 19-22, *ante*.

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(4.) The Secretary of State may, by Special Order, apply the provisions of this section to any other disease occurring in a factory or workshop, and thereupon this section and the provisions referred to therein shall apply accordingly.

Provision as to ventilation by fan in certain factories and workshops.

74.—If in a factory or workshop where grinding, glazing, or polishing on a wheel, or any process is carried on by which dust, or any gas, vapour, or other impurity, is generated and inhaled by the workers to an injurious extent, it appears to an inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may direct that a fan or other mechanical means of a proper construction for preventing such inhalation be provided within a reasonable time; and if the same is not provided, maintained, and used, the factory or workshop shall be deemed not to be kept in conformity with this Act.

It was held by the divisional court that on a summons under the similar provision of the Factory and Workshop Act, 1878 (41 and 42 Vict. c, 16, s. 36) it was enough to prove that dust was generated or inhaled so as in the long run to be injurious to the workers without proving actual injury to the health of any particular person, Hoare *v.* Ritchie and Son, 1901, 1 K.B. 434; 70 L.J K.B. 279; 84 L.T 584; 49 W.R. 351; 65 J P. 261.

For the penalty see s. 135 *post*.

Lavatories and meals in certain dangerous trades.

75.—(1.) In every factory or workshop where lead, arsenic, or any other poisonous substance is used, suitable washing conveniences must be provided for the use of the persons employed in any department where such substances are used.

(2.) *In any factory or workshop where lead, arsenic, or other poisonous substance is so used as to give rise to dust or fumes, a person shall not be allowed to take a meal, or to remain during the times allowed to him for meals, in any room in which any such substance is used, and suitable provision shall be made for enabling the persons employed in such rooms to take their meals elsewhere in the factory or workshop.*

(3.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in comformity with this Act.

The words "so as to give rise to dust or fumes" were inserted to prevent this section from applying to trades using lead for type, packages, &c., but not so as to be dangerous, because obviously the provision of separate dining rooms would be unnecessary and expensive in such cases. The difficulty, however, consists in the reluctance of the workers to obey directions, and there are no means provided of punishing them, except in some cases under s. 141 *post*.

For the penalty see s. 135, *post*.

Restrictions as to employment in wet-spinning.

76.—(1.) A woman, young person, or child must not be employed in any part of a factory in which wet-spinning is carried on, unless sufficient means are employed and continued

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for protecting the workers from being wetted, and, where hot water is used, for preventing the escape of steam into the room occupied by the workers.

(2.) A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Prohibition of employment of young persons and children in certain factories and workshops.

77.—(1.) In the part of a factory or workshop in which there is carried on—

(*a*) the process of silvering of mirrors by the mercurial process; or

(*b*) the process of making white lead,

a young person or child must not be employed.

(2.) In the part of a factory in which the process of melting or annealing glass is carried on a female, young person or a child must not be employed.

(3.) In a factory or workshop in which there is carried on—

(*a*) the making or finishing of bricks or tiles not being ornamental tiles; or

(*b*) the making or finishing of salt,

a girl under the age of sixteen years must not be employed.

Where two girls under 16 were employed in carrying bricks to the dipping sheds, from the sheds to the baking ovens, and sometimes to the stacking shed, and one of them was occasionally employed in dipping the bricks into the glaze the Court held this to be "finishing" bricks within the similar provision of the Factory and Workshop Act, 1878, (41 and 42 Vict., c. 16), s. 38 and Schedule I. without deciding whether the employment of girls under 16 in brick-making factories was absolutely prohibited, Squire *v* Stanley, (1901), 84 L. T., 535; 65 J. P. 467.

(4.) In the part of a factory or workshop in which there is carried on—

(*a*) any dry grinding in the metal trade; or

(*b*) the dipping of lucifer matches,

a child must not be employed.

(5.) Notice of a prohibition contained in this section must be affixed in the factory or workshop to which it applies.

Prohibition of taking meals in certain parts of factories and workshops.

78.—(1.) A woman, young person, or child must not be allowed to take a meal or to remain during the times allowed for meals in the following factories or workshops, or parts of factories or workshops; that is to say,—

(*a*) in the case of glass works, in any part in which the materials are mixed; and

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(*b*) in the case of glass works where flint glass is made, in any part in which the work of grinding, cutting, or polishing is carried on; and

(*c*) in the case of lucifer-match works, in any part in which any manufacturing process or handicraft (except that of cutting the wood) is usually carried on; and

(*d*) in the case of earthenware works, in any part known or used as dippers house, dippers drying room, or china scouring room.

(2.) If a woman, young person, or child is allowed to take a meal or to remain during the times allowed for meals in a factory or workshop or part thereof in contravention of this section, the woman, young person, or child shall be deemed to be employed contrary to the provisions of this Act.

(3.) Notice of the prohibition in this section shall be affixed in every factory or workshop to which it applies.

(4.) Where it appears to the Secretary of State that by reason of the nature of the process in any class of factories or workshops or parts thereof not named in this section the taking of meals therein is specially injurious to health, he may, if he thinks fit, by Special Order, extend the prohibition in this section to the class of factories or workshops or parts thereof.

See Appendix for an order made under the similar provision in the Act of 1878, the operation of which is preserved by s. 161 (2) *post*.

(5.) If the prohibition in this section is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of women, young persons, and children in any class of factories or workshops or parts thereof to which it has been so extended, he may, by Special Order, rescind the order of extension, without prejudice to the subsequent making of another order.

(ii.) *Regulations for Dangerous Trades.*

Power to make regulations for safety of persons employed in dangerous trades.

79. Where the Secretary of State is satisfied that any *manufacture*, machinery, *plant*, process, or description of manual labour, used in factories or workshops, is dangerous or injurious to health or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, he may certify that *manufacture*, machinery, *plant*, process, or description of manual labour, to be dangerous; and thereupon the Secretary of State may, subject to the provisions of this Act, make such regulations as appear to him to be reasonably practicable, and to meet the necessity of the case.

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The words "manufacture" and "plant" are new and the former exception of domestic factories is omitted. These regulations take the place of the special rules instituted by s. 8 of the Factory and Workshop Act, 1891, (54 and 55 Vict., c. 75), and the procedure under ss. 80—84 *infra* is substituted for the arbitrations allowed by the former Act. But the provisions of the Factory and Workshop Act, 1891, as to special rules and arbitrations are repealed only from a date to be fixed by the Home Secretary, see Schedule VII. part II. *post*. Until, therefore, he intervenes both the old procedure and the new exist together.

See Appendix for orders made under the similar provisions of the Act of 1878 as to dangerous trades, &c., the operation of which is preserved by s. 161 (2) *post*.

Procedure for making regulations.

80.—(1.) *Before the Secretary of State makes any regulations under this Act, he shall publish, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to the Secretary of State.*

(2.) *Every objection must be in writing and state—*

(*a*) *the draft regulations or portions of draft regulations objected to;*

(*b*) *the specific grounds of objection; and*

(*c*) *the omissions, additions, or modifications asked for.*

(3) *The Secretary of State shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulations, and shall then cause the amended draft to be dealt with in like manner as an original draft.*

(4.) *Where the Secretary of State does not amend or withdraw any draft regulations to which any objection has been made, then (unless the objection either is withdrawn or appears to him to be frivolous) he shall, before making the regulations, direct an inquiry to be held in the manner herein-after provided.*

Inquiries

81.—(1.) *The Secretary of State may appoint a competent person to hold an inquiry with regard to any draft regulations, and to report to him thereon.*

(2.) *The inquiry shall be held in public, and the chief inspector and any objector and any other person who, in the opinion of the person holding the inquiry, is affected by the draft regulations, may appear at the inquiry either in person or by counsel, solicitor, or agent.*

(3.) *The witnesses on the inquiry may, if the person holding it thinks fit, be examined on oath.*

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(4.) *Subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Secretary of State.*

(5.) *The fee to be paid to the person holding the inquiry shall be such as the Secretary of State may direct, and shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act.*

Application of regulations.

82.—(1.) *The regulations made under the foregoing provisions of this Act may apply to all the factories and workshops in which the manufacture, machinery, plant, process, or description of manual labour, certified to be dangerous is used (whether existing at the time when the regulations are made or afterwards established) or to any specified class of such factories or workshops. They may provide for the exemption of any specified class of factories or workshops either absolutely or subject to conditions.*

(2.) *The regulations may apply to tenement factories and tenement workshops, and in such case may impose duties on occupiers who do not employ any person, and on owners.*

(3.) No person shall be precluded by any agreement from doing, or be liable under any agreement to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of any regulation made under this Act.

Provisions which may be made by regulations.

83. *Regulations made under the foregoing provisions of this Act may, among other things,—*

(a) *prohibit the employment of, or modify or limit the period of employment of, all persons or any class of persons in any manufacture, machinery, plant, process, or description of manual labour certified to be dangerous; and*

(b) *prohibit, limit, or control the use of any material or process; and*

(c) *modify or extend any special regulations for any class of factories or workshops contained in this Act.*

Regulations to be laid before Parliament.

84.—*Regulations made under the foregoing provisions of this Act shall be laid as soon as possible before both Houses of Parliament, and if either House within the next forty days after the regulations have been laid before that House, resolve that all or any of the regulations ought to be annulled, the regulations shall, after the date of the resolution, be of no effect, without prejudice to the validity of anything done in the meantime thereunder, or to the making of any new regulations. If one or more of a set of regulations are annulled, the Secretary of State may, if he thinks fit, withdraw the whole set.*

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Formerly only rules relating to the employment of adult workers were to be laid before Parliament.

Breach of regulations

85.—(1.) If *any* occupier, *owner, or manager*, who is bound to observe any regulation under this Act, acts in contravention of or fails to comply with the regulation, he shall be liable for each offence to a fine not exceeding ten pounds, *and, in the case of a continuing offence, to a fine not exceeding two pounds for every day during which the offence continues after conviction therefor.*

(2.) If any person *other than an occupier, owner, or manager*, who is bound to observe any regulation under this Act, acts in contravention of, or fails to comply with, the regulation, he shall be liable for each offence to a fine not exceeding two pounds; and the occupier of the factory or workshop shall also be liable to a fine not exceeding ten pounds, unless he proves that he has taken all reasonable means by publishing, and to the best of his power enforcing, the regulations to prevent the contravention or non-compliance.

Publication of regulations.

86.—(1.) Notice of any regulations having been made under the foregoing provisions of this Act, and of the place where copies of them can be purchased, shall be published in the London, Edinburgh, and Dublin Gazettes.

(2.) Printed copies of all regulations for the time being in force under this Act in any factory or workshop shall be kept posted up in legible characters in conspicuous places in the factory or workshop where they may be conveniently read by the persons employed. In a factory or workshop in Wales or Monmouthshire the regulations shall be posted up in the Welsh language also.

(3.) A printed copy of all such regulations shall be given by the occupier to any person affected thereby on his or her application.

(4.) If the occupier of any factory or workshop fails to comply with any provision of this section as to posting up or giving copies, he shall be liable to a fine not exceeding ten pounds.

(5.) Every person who pulls down, injures, or defaces any regulations posted up in pursuance of this Act, or any notice posted up in pursuance of the regulations, shall be liable to a fine not exceeding five pounds.

(6.) Regulations for the time being in force under this Act shall be judicially noticed.

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PART V.

SPECIAL MODIFICATIONS AND EXTENSIONS.

(i.) *Tenement Factories.*

Duties of owner of tenement factory.

87.—(1.) The owner (whether or not he is one of the occupiers) of a tenement factory shall, instead of the occupier, be liable for the observance, and punishable for non-observance, of the following provisions of this Act, namely, the provisions with respect to—

For definition of a tenement factory, see s. 149, *post.*

(i.) the cleanliness, freedom from effluvia, overcrowding and ventilation of factories, contained in section one of this Act, including, so far as they relate to any engine-house, passage, or staircase, or to any room which is let to more than one tenant, the provisions with respect to lime-washing and washing of the interior of a factory;

(ii.) the fencing of machinery, and penal compensation for neglect to fence machinery in a factory, except so far as relates to such parts of the machinery as are supplied by the occupier;

(iii.) the notices to be affixed in a factory with respect to the period of employment, times for meals, and system of employment of children;

(iv.) the prevention of the inhalation of dust, gas, vapour, or other impurity, so far as that provision requires the supply of pipes or other contrivances necessary for working the fan or other means for that purpose; and

(v.) the affixing of an abstract and notices in a factory.

Provided that any occupier may affix in his own tenement the notice with respect to the period of employment, times for meals, and system of employment of children, and thereupon that notice shall, with respect to persons employed by that occupier, have effect in substitution for the corresponding notice affixed by the owner.

(2.) The provisions of this Act with respect to the power to make orders in the case of dangerous premises shall apply in the case of a tenement factory as if the owner were substituted for the occupier.

(3.) *In the case of any tenement factory or class of tenement factories used wholly or partly for the weaving of cotton cloth, the owner shall, if the Secretary of State by order so directs, be substituted for the occupier for the purpose of the requirements of*

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section seven and section ninety-four of this Act or of any order of the Secretary of State with respect to ventilation.

Section 7 deals with ventilation, and s. 94 with regulations for the protection of health.

(4.) Where, by or under this section, the owner of a tenement factory is substituted for the occupier with respect to any provisions of this Act, any summons, notice, or proceeding, which for the purpose of any of those provisions is by this Act required or authorised to be served on or taken in relation to the occupier, is hereby required or authorised (as the case may be) to be served on or taken in relation to the owner.

Formerly this section was made not to apply in the case of an occupier paying a higher rent than £200 a year. This exception no longer exists.

88.—(1.) Where grinding is carried on in a tenement factory, the owner of the factory shall be responsible for the observance of the regulations set forth in the Third Schedule to this Act.

For definition of "tenement factory" see s. 149 *post*.

Regulations as to grinding of cutlery in tenement factory.

(2.) In every such tenement factory it shall be the duty of the owner and of the occupier of the factory respectively to see that such part of the horsing chains and of the hooks to which the chains are attached as are supplied by them respectively are kept in efficient condition.

(3.) In every tenement factory where grinding of cutlery is carried on, the owner of the factory shall provide that there shall at all times be instantaneous communication between each of the rooms in which the work is carried on and both the engine-room and the boiler-house.

(4.) A tenement factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act, but for the purposes of any proceeding in respect of a provision for the observance of which the owner of the factory is responsible, that owner shall be substituted for the occupier of the factory.

For the penalty, see s. 135 *post*,

(5.) This section shall not apply to a textile factory.

Certificate of fitness in tenement factory.

89. A certificate of the fitness of any young person or child for employment in a tenement factory shall be valid for his similar employment in any part of the same tenement factory.

(ii.) *Cotton Cloth and other Humid Factories.*

Temperature and humidity.

90. In every room, shed, or workshop, or part thereof, in which the weaving of cotton cloth is carried on (in this Act

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referred to as a "cotton cloth factory"), the following provisions shall have effect:—

(1.) The amount of moisture in the atmosphere must not at any time be in excess of such amount as is represented by the number of grains of moisture per cubic foot of air shown in column I. of the table in the Fourth Schedule to this Act opposite to such figure in column II. as represents the temperature existing in the cotton cloth factory at that time:

Provided that the temperature shall not at any time be raised by any artificial means whatsoever (except by gas used for lighting purposes only) above seventy degrees, except in so far as may be necessary in the process of giving humidity to the atmosphere.

(2.) The fact that one of the wet-bulb thermometers in the factory gives a higher reading than the figure shown in column III. of the said table opposite to such figure in column II. as represents the temperature existing in the factory, shall be evidence that the amount of moisture in the atmosphere exceeds the limit prescribed by this section.

Power to alter table of humidity.

91. The Secretary of State may by order repeal or vary the table in the Fourth Schedule to this Act, and substitute any new or amended table therefor:

Provided as follows:—

(*a*) The varied or substituted table shall be laid in a complete form before both Houses of Parliament if Parliament is sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament; and if the table is disapproved by either House of Parliament within forty days after having been so laid before Parliament, the table shall be void and of no effect:

(*b*.) The table shall not come into operation until it has been laid before Parliament for forty days; but after the expiration of those forty days, if the table has not been disapproved of as aforesaid, the Secretary of State shall cause a copy thereof to be published in the London Gazette, and to be given to every occupier of a cotton cloth factory who, in pursuance of this Act, has given notice of humidity of the atmosphere being artificially produced in that factory, and after the expiration of fourteen days from the first publication thereof in the London Gazette, the varied or substituted table shall be deemed to be the table in the Fourth Schedule to this Act.

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92.—(1.) In every cotton cloth factory, for the purpose of recording the humidity of the atmosphere and the temperature there must be provided, maintained, and kept in correct working order two sets of standardised wet and dry bulb thermometers. Employment of thermometers.

(2.) The following regulations shall be observed with reference to the employment of such thermometers:—

(*a.*) One set of thermometers is to be fixed in the centre and one at the side of the factory, or in such other position as is directed or sanctioned by an inspector, so as to be plainly visible to the workers;

(*b.*) The occupier or manager or person for the time being in charge of the factory shall read the thermometers *thrice* in the day, namely, *between seven and eight o'clock in the forenoon*, between ten and eleven o'clock in the forenoon, and between three and four o'clock in the afternoon, on every day on which any workers are employed in the factory, and shall record the readings of each thermometer at each of those times on a form provided for the purpose for each set of thermometers in accordance with the Form of Record and the regulations contained in the Fourth Schedule to this Act;

Formerly the thermometer need only be read twice a day.

(*c.*) The form in which the readings of each thermometer are to be recorded must be kept hung up near the thermometers, and after being duly filled up, must be forwarded at the end of each month to the inspector of the district, and a copy must be kept at the factory for reference;

(*d.*) There must be kept hanging up in a frame, and properly glazed, in a conspicuous position and near to each set of thermometers, a copy of the table set out in the Fourth Schedule to this Act;

(*e.*) Each form shall be primâ facie evidence of the humidity of the atmosphere and temperature in the factory in which the form was hung up.

93.—(1.) The occupier of every cotton cloth factory in which humidity of the atmosphere is produced by any artificial means whatsoever (except by gas used for lighting purposes only) shall, at or before the time at which such artificial production of humidity is commenced, give notice thereof in writing to the chief inspector of factories. Notices and inspections where humidity is artificially produced.

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(2.) Every factory in respect of which any such notice has been given shall be visited by an inspector once at least in every three months. The inspector shall examine into the temperature, humidity of the atmosphere, ventilation, and quantity of fresh air in the factory, and shall report to the chief inspector of factories in the prescribed form.

(3.) If at any time the occupier of any factory in respect of which any such notice has been given ceases to produce humidity by artificial means, he may give notice in writing of such cessation and from the date of that notice, and so long as humidity is not artificially produced in the factory, the provisions of this section shall not apply to that factory.

Regulations for the protection of health.

94. In every cotton cloth factory the following regulations for the protection of health shall have effect, viz.:—

(1.) The water used for the purpose of producing humidity shall either be taken from a public supply of drinking water or other source of pure water, or shall be effectively purified to the satisfaction of the inspector before being introduced in the form of steam into the factory, and all ducts for the introduction of humidified air shall be kept clean.

(2.) The pipes used for the introduction of steam into a cotton cloth factory in which the temperature is seventy degrees Fahrenheit or over shall, so far as they are within the shed, be as small both in diameter and length as is reasonably practicable, and shall be effectively covered with non-conducting material to the satisfaction of the inspector, so as to minimise the amount of heat thrown off by them into the shed.

(3.) In the case of a cotton cloth factory in which humidity of the atmosphere is produced by any artificial means whatsoever (except by gas used for lighting purposes only), the arrangements for ventilation shall be such that during working hours in no part of the cotton cloth factory shall the proportion of carbonic acid (carbon dioxide) in the air be greater than nine volumes of carbonic acid to every ten thousand volumes of air.

(4.) Unless some other method certified by the inspector to be equally satisfactory is adopted, the outside of the roof of every cotton cloth factory shall be whitewashed every year before the thirty-first day of May, and such whitewash shall be effectively maintained until the thirty-first day of August.

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(5.) In every cotton cloth factory erected after the second day of February one thousand eight hundred and ninety-eight a sufficient and suitable cloak room, or cloak rooms, shall be provided for the use of all the persons employed therein, and shall be ventilated and kept at a suitable temperature.

Penalties for non-compliance.

95.—If in the case of any cotton cloth factory there is a contravention of or non-compliance with any of the foregoing provisions with regard to cotton cloth factories, the inspector shall give notice in writing to the occupier of the factory of the acts or omissions constituting the contravention or non-compliance, and if those acts or omissions, or any of them, are continued or not remedied, or are repeated within twelve months after the notice has been given, the occupier of the factory shall be liable, for the first offence to a fine not less than five pounds and not exceeding ten pounds, and for every subsequent offence to a fine not less than ten pounds and not exceeding twenty pounds.

There is no power under s. 4 of the Summary Jurisdiction Act, 1879, to reduce the penalty below £5, Osborn *v.* Wood Brothers, 1897, 1 Q.B. 197; 66 L.J.Q.B. 178; 45 W.R. 319; 61 J.P. 118, (decided under s. 13 of the Cotton Cloth Factories Act, 1889, (52 and 23 Vict. c. 62).

Application of foregoing provisions to other humid factories.

96.—The foregoing provisions of this Act with respect to cotton cloth factories shall apply to every textile factory in which atmospheric humidity is artificially produced by steaming or other mechanical appliances, and in which regulations under Part IV. of this Act with respect to humidity are not for the time being in force, but subject to the following qualifications, namely:—

(*a*) The Secretary of State may by Special Order modify the provisions of the Fourth Schedule to this Act with respect to the maximum limits of humidity;

See Appendix for an order made under the similar provision of the Act of 1895, the operation of which is preserved by s. 161 (2) *post*.

(*b*) *The reading of the thermometer between seven and eight o'clock in the forenoon shall not be required; and*

(*c*) *Section ninety-four respecting regulations for the protection of health in cotton cloth factories shall not apply; and*

(*d*) *The regulations in section ninety-two distinguished as* (*b*), (*c*), (*d*), *and* (*e*) *which are required to be observed with reference to the employment of thermometers shall not apply to cotton spinning mills.*

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(iii.) *Bakehouses.*

Sanitary regulations for bakehouses.

97.—(1.) It shall not be lawful to let or suffer to be occupied or to occupy any room or place as a bakehouse, unless the following regulations are complied with:—

(*a*) A watercloset, earthcloset, privy, or ashpit must not be within or communicate directly with the bakehouse;

(*b*) Every cistern for supplying water to the bakehouse must be separate and distinct from any cistern for supplying water to a watercloset;

(*c*) A drain or pipe for carrying off fæcal or sewage matter must not have an opening within the bakehouse.

(2.) If any person lets or suffers to be occupied or occupies any room or place as a bakehouse in contravention of this section he shall be liable to a fine not exceeding forty shillings, and to a further fine not exceeding five shillings for every day during which any room or place is so occupied after a conviction under this section.

Penalty for bakehouse being unfit on sanitary grounds.

98.—(1.) Where a court of summary jurisdiction is satisfied on the prosecution of an inspector or a *district council* that any room or place used as a bakehouse is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be liable to a fine not exceeding, for the first offence, forty shillings, and for any subsequent offence five pounds.

(2.) The court of summary jurisdiction, in addition to or instead of inflicting a fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The court may, on application, enlarge the time so named, but if after the expiration of the time as originally named or enlarged by subsequent order the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that the non-compliance continues.

Limewashing, painting, and washing of bakehouses.

99.—(1.) All the inside walls of the rooms of a bakehouse, and all the ceiling or tops of those rooms (whether those walls, ceilings, or tops are plastered or not), and all the passages and staircases of a bakehouse, must either be painted with oil or varnished or be limewashed, or be partly painted or varnished and partly limewashed; and

(*a*) where the bakehouse is painted with oil or varnished, there must be three coats of paint or varnish, and the paint or varnish must be renewed once at least in every

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seven years, and must be washed with hot water and soap once at least in every six months; and

(*b*) where the bakehouse is limewashed, the limewashing must be renewed once at least in every six months.

(2.) A bakehouse in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Provision as to sleeping places near bakehouses

100.—(1.) A place on the same level with a bakehouse, and forming part of the same building, may not be used as a sleeping place, unless it is constructed as follows; that is to say

(*a*) is effectually separated from the bakehouse by a partition extending from the floor to the ceiling; and

(*b*) has an external glazed window of at least nine superficial feet in area, of which at the least four and a half superficial feet are made to open for ventilation.

(2.) If any person lets or occupies or continues to let or knowingly suffers to be occupied any place contrary to this section he shall be liable to a fine not exceeding, for the first offence, twenty shillings, and for any subsequent offence five pounds.

Prohibition of underground bakehouses.

101.—(1.) An underground bakehouse shall not be used as a bakehouse unless it was so used *at the passing of this Act.*

(2.) *Subject to the foregoing provision, after the first day of January one thousand nine hundred and four an underground bakehouse shall not be used unless certified by the district council to be suitable for that purpose.*

(3.) *For the purpose of this section an underground bakehouse shall mean a bakehouse, any baking room of which is so situate that the surface of the floor is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room. The expression "baking room" means any room used for baking, or for any process incidental thereto.*

The date of the passing of the Act was August 17th, 1901. Bakehouses which were vacant for want of a tenant on August 17th, 1901, will still be within this clause, Schwerzerhof *v.* Wilkins, 1898, 1 Q. B. 640; 67, L. J. Q. B. 476; 78 L T. 229; 62. J. P. 247 (decided on S. 27 (3) of the Factory and Workshop Act, 1895. 58 & 59, Vic. cap. 37.)

(4.) *An underground bakehouse shall not be certified as suitable unless the district council is satisfied that it is suitable as regards construction, light, ventilation, and in all other respects.*

(5.) *This section shall have effect as if it were included among*

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54 & 55 Vict. c. 76. *the provisions relating to bakehouses which are referred to in section twenty-six of the Public Health (London) Act, 1891.*

The effect of this is that the powers are to be exercised by the Sanitary authority.

(6.) *If any place is used in contravention of this section, it shall be deemed to be a workshop not kept in conformity with this Act.*

For the penalty, see 135, *post.*

(7.) *In the event of the refusal of a certificate by the district council, the occupier of the bakehouse may, within twenty-one days from the refusal, by complaint apply to a court of summary jurisdiction, and if it appears to the satisfaction of the court that the bakehouse is suitable for use as regards construction, light, ventilation, and in all other respects, the court shall thereupon grant a certificate of suitability of the bakehouse, which shall have effect as if granted by the district council.*

(8.) *Where any place has been let as a bakehouse, and the certificate required by this section cannot be obtained unless structural alterations are made, and the occupier alleges that the whole or part of the expenses of the alterations ought to be borne by the owner, he may by complaint apply to a court of summary jurisdiction, and that court may make such order concerning the expenses or their apportionment as appears to the court to be just and equitable, under the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the court may, at the request of the occupier determine the lease.*

As to subs. (8) compare s. 7 (4) *ante.* The power given to determine the lease is new, and it will be noted is exerciseable only at the request of the occupier. Its adoption forms a new departure in interference with contract.

Enforcement of law as to retail bakehouses by sanitary authorities.

102.—As respects every retail bakehouse, the provisions of this Part of this Act shall be enforced by the *district council* of the district in which the retail bakehouse is situate, and not by an inspector; and for the purposes of this section the medical officer of health of the *district council* shall have and may exercise all the powers of entry, inspection, taking legal proceedings and otherwise of an inspector.

In this section the expression "retail bakehouse" means any bakehouse or place, not being a factory, the bread, biscuits, or confectionery baked in which are sold, not wholesale, but by retail, in some shop or place occupied with the bakehouse.

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(iv.) *Laundries.*

Application of Act to laundries.

103.—(1.) In every laundry carried on by way of trade, or for purposes of gain, the following provisions shall apply:—

(*a*) The period of employment, exclusive of meal hours and absence from work, shall not exceed, for women fourteen hours, for young persons twelve hours, and for children ten hours in any consecutive twenty-four hours; nor a total for women and young persons of sixty hours, and for children of thirty hours, in any one week, in addition to such overtime as may be allowed in the case of women;

(*b*) A woman, young person, or child must not be employed continuously for more than five hours without an interval of at least half an hour for a meal;

(*c*) Women, young persons, and children employed in the laundry shall have allowed to them the same holidays as are allowed to women, young persons, and children employed in a factory or workshop under this Act;

For these provisions see s. 35, *ante*.

(*d*) So far as regards provisions with respect to health and safety, accidents, education of children, notice of occupation of a factory or workshop, the affixing of abstracts and notices and the matters to be specified in those notices (so far as they apply to laundries), powers of inspectors, fines, and legal proceedings for any failure to comply with the provisions of this section, this Act shall have effect as if every laundry in which steam, water, or other mechanical power is used in aid of the laundry process were a factory, and every other laundry were a workshop, and as if every occupier of a laundry were the occupier of a factory or of a workshop;

The provisions as to health in factories except domestic factories, are contained in ss. 1 and 3-9; those relating to domestic factories and workshops in ss 2 and 3-9.

The provisions as to safety in factories are contained in ss. 10 and 11-18; in workshops in ss. 11 and 14-18.

The provisions as to accidents in both factories and workshops are contained in ss. 19-22.

The provisions as to education of children employed both in factories and workshops are contained in ss 68-72.

The provisions in both factories and workshops as to notice of occupation are contained in s. 127; as to affixing of abstracts and notices, &c., in s. 128; as to powers of inspectors in s. 119; and as to fines and legal proceedings in ss. 135-148.

(*e*.) The notice to be affixed in the laundry shall specify the period of employment and the times for meals, but the

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period and times so specified may be varied before the beginning of employment on any day;

(*f.*) The provisions of this Act prohibiting the employment of women within four weeks after childbirth, and of children under the age of twelve years, shall apply to the laundry in like manner as to a factory or workshop.

S. 61 *ante* prohibits the employment of women and girls within four weeks after childbirth.

S. 62 prohibits the employment of children under 12.

(2.) Women employed in laundries may work overtime, subject to the following conditions, namely:—

(*a.*) A woman must not work more than fourteen hours in any day; and

(*b.*) The overtime worked must not exceed two hours in any day; and

(*c.*) Overtime must not be worked on more than three days in any week or more than thirty days in any year; and

(*d.*) The requirements of section sixty of this Act with respect to notices must be observed.

(3.) In the case of every laundry worked by steam, water, or other mechanical power—

(*a.*) a fan or other means of a proper construction must be provided, maintained, and used for regulating the temperature in every ironing-room, and for carrying away the steam in every wash-house in the laundry; and

(*b.*) all stoves for heating irons must be sufficiently separated from any ironing-room, and gas irons emitting any noxious fumes must not be used; and

(*c.*) the floors must be kept in good condition and drained in such manner as will allow the water to flow off freely.

A laundry in which these provisions are contravened shall be deemed to be a factory not kept in conformity with this Act.

(4.) Nothing in this section shall apply to any laundry in which the only persons employed are—

(*a*) inmates of any prison, reformatory, or industrial school, or other institution for the time being subject to inspection under any Act other than this Act; or

(*b.*) inmates of an institution conducted in good faith for religious or charitable purposes; or

(*c.*) members of the same family dwelling there,

or in which not more than two persons dwelling elsewhere are employed.

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(v.) *Docks.*

Application of certain provisions to docks.

104.—(1.) The provisions of this Act with respect to—

(i.) Power to make orders as to dangerous machines (section seventeen);

(ii.) Accidents;

See ss. 19-22

(iii.) Regulations for dangerous trades;

See ss. 79-86

(iv.) Powers of inspectors (section one hundred and nineteen); and

(v.) Fines in case of death or injury (section one hundred and thirty-six);

shall have effect as if every dock, wharf, quay, and warehouse, and all machinery or plant used in the process of loading or unloading *or coaling* any ship *in* any dock, harbour, or canal were included in the word "factory," and the purpose for which the machinery *or plant* is used were a manufacturing process; and as if the person who by himself, his agents, or workmen, uses any such machinery *or plant* for the before-mentioned purpose were the occupier of the premises; and for the purpose of the enforcement of those provisions the person having the actual use or occupation of a dock, wharf, quay, or warehouse, or of any premises within the same or forming part thereof, and the person so using any such machinery *or plant* shall be deemed to be the occupier of a factory.

(2.) *For the purposes of this section the expression "plant" includes any gangway or ladder used by any person employed to load or unload or coal a ship, and the expressions "ship" and "harbour" have the same meaning as in the Merchant Shipping Act*, 1894. 57 & 58 Vict. c. 60.

S. 23 of the Factory and Workshop Act, 1895 (58 & 59 Vict., c. 37), the former inactment relating to this matter, reads as follows after the words "shall have effect" in subs. (1) *supra*:—"as if every dock, wharf, quay, and warehouse, and, so far as relates to the process of loading or unloading therefrom or thereto, all machinery and plant used in that process . . . . were included in the word factory and the purpose for which the machinery is used were a manufacturing process, and as if the person who by himself, his agents, or workmen temporarily uses any such machinery for the before-mentioned purpose were the occupier of the said premises."

It will be seen that the words "or coaling" and "or plant" have been inserted, and the word "temporarily" omitted Since the passing of the Workmen's Compensation Act, 1897 (60 and 61 Vict., c. 37), a considerable number of cases have been decided which involved the construction of s. 23 of the Factory and Workshops Act, 1895. Having regard to the importance of the provisions of the present Act relating *e.g.* to accidents and the penalties which may be incurred, some of the chief cases are referred to below:

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A stevedore putting the beams across the hatchway of a ship by means of the winch after loading was held to be occupying a factory, Lysons *v* Knowles, 1901, A.C. 79 ; 70 L.J.Q.B. 170 ; 84 L.T. 65 ; 49 W.R 636 ; 65 J.P. 388. So also persons who hired a dock or berth in which to repair one of their ships, Raine *v* Jobson & Co., 1901, A.C. 404 ; 70 L J.K B. 771 ; 49 W.R. 705, and shipowners using a portion of a quay on which to unload, Merrill *v* Wilson, Sons & Co., Ltd., 1901, I.Q.B. 35 ; 70 L.J.Q.B., 97 ; 83 L.T. 490 ; 49 W.R., 161 ; 65 J.P., 53, approved in Raine *v* Jobson & Co.. *supra*. But a wharf abutting on the Regent's Canal with no machinery on it was held not to be a factory, Hall *v.* Snowden Hubbard & Co., 1899, 2 Q.B. 136 ; 68 L.J.Q.B. 645 ; 80 L.T., 554 ; 47 W.R., 486.

By s. 742 of the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60) "Ship" includes every description of vessel not propelled by oars, and "Harbour" includes harbours whether natural or artificial, estuaries navigable rivers, piers, jetties, and other works in or at which ships can obtain, shelter, or ship and unship goods or passengers.

(vi.) *Buildings.*

Application of certain provisions to buildings.

105.—(1.) The provisions of this Act with respect to—

(i.) Power to make orders as to dangerous machines (section seventeen) ;

(ii.) Accidents ;

See ss. 19-22

(iii.) Regulations for dangerous trades ;

See ss. 79-86

(iv.) Powers of inspectors (section one hundred and nineteen) ; and

(v.) Fines in case of death or injury (section one hundred and thirty-six) ;

shall have effect as if any premises on which machinery worked by steam, water, or other mechanical power is temporarily used for the purpose of the construction of a building or any structural work in connection with a building were included in the word "factory," and the purpose for which the machinery is used were a manufacturing process, and as if the person who, by himself, his agents, or workmen, temporarily uses any such machinery for the before-mentioned purpose were the occupier of the said premises ; and for the purpose of the enforcement of those provisions the person so using any such machinery shall be deemed to be the occupier of a factory.

(2.) The provisions of this Act with respect to notice of accidents, and the formal investigation of accidents, shall have effect as if—

(*a*) any building which exceeds thirty feet in height, and which is being constructed or repaired by means of a scaffolding ; and

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(*b*) any building which exceeds thirty feet in height, and in which more than twenty persons, not being domestic servants, are employed for wages,

were included in the word "factory," and, as if, in the first case, the employer of the persons engaged in the construction or repair and, in the second case, the occupier of the building, were the occupier of a factory.

A building which had been completed, but was being strengthened by stays, was held to be in process of being constructed within the similar words of s. 7 (11) of the Workmen's Compensation Act, 1897; Hoddinott *v.* Newton Chambers & Co. Ltd., 1901. A.C., 49; 70 L.J.Q.B., 150. White-washing was held repairing within the above Act, Dredge *v* Conway Jones & Co., 1901. 2 K.B. 42; 70 L.J.K.B. 494; 84 L.T. 345; 49 W.R. 518. A platform of boards supported at the ends by iron columns, part of the building, and in the middle by trestles is a scaffold, *id.* A beerhouse under 30 feet high adjoining an inn over 30 feet high which belonged to the same person, the beer-house being pulled down to enlarge the inn, was held not to exceed 30 feet in height, Rixsome *v* Pritchard, 1900, 1 Q.B. 800; 69 L.J.Q.B., 494; 82 L.T. 186.

(vii.) *Railways.*

Application of certain provisions to railway sidings. 63 & 64 Vict. c. 27.

106.—(1.) *Where any line or siding not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900, is used in connexion with a factory or workshop, or with any place to which any of the provisions of this Act are applied, the provisions of this Act with respect to—*

(i.) *Power to make orders as to dangerous machines (section seventeen);*

(ii.) *Accidents;*
See ss. 19-22

(iii.) *Regulations for dangerous trades;*
See ss. 79-86

(iv.) *Powers of inspectors (section one hundred and nineteen); and*

(v.) *Fines in case of death or injury (section one hundred and thirty-six),*

shall have effect as if the line or siding were part of the factory or workshop.

(2.) *If any such line or siding is used in connexion with more than one factory or workshop belonging to different occupiers, the foregoing provisions shall have effect as if the line or siding were a separate factory.*

By s. 16 of the Railway Employment (Prevention of Accidents) Act, 1900 (63 & 64 Vict., c. 27) the expression "railway" means any railway used for the purposes of public traffic whether passenger, goods, or other traffic, and includes any works of the railway company connected with the railway.

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PART VI.

HOME WORK.

Lists of outworkers to be kept in certain trades.

107. In the case of persons employed in such classes of work as may from time to time be specified by Special Order of the Secretary of State—

See Appendix for an order made under the similar provision of the Act of 1878, the operation of which is preserved by s. 161 (2) *post*.

(1.) The occupier of every factory and workshop and every contractor employed by any such occupier in the business of the factory or workshop shall—

(*a*) keep in the prescribed form and manner, and with the prescribed particulars, lists showing the names and addresses of all persons directly employed by him, either as workmen or as contractors, in the business of the factory or workshop, outside the factory or workshop, and the places where they are employed; and

(*b*) send to an inspector such copies of or extracts from those lists *as the inspector may from time to time require; and*

(*c*) *send on or before the first day of February and the first day of August in each year copies of those lists to the district council of the district in which the factory or workshop is situate.*

(2.) *Every district council shall cause the lists received in pursuance of this section to be examined, and shall furnish the name and place of employment of every outworker included in any such list whose place of employment is outside its district to the council of the district in which his place of employment is.*

(3.) *The lists kept by the occupier or contractor shall be open to inspection by any inspector under this Act, and by any officer duly authorised by the district council, and the copies sent to the council and the particulars furnished by one council to another shall be open to inspection by any inspector under this Act.*

(4.) This section shall apply to any place from which any work is given out, and to the occupier of that place, and to every contractor employed by any such occupier in connexion with the said work, as if that place were a workshop.

(5.) In the event of a contravention of this section by the occupier of a factory, workshop, or place, or by a con-

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tractor, the occupier or contractor shall be liable to a fine not exceeding forty shillings, *and in the case of a second or subsequent offence, not exceeding five pounds.*

Subs (1) (b). These lists were formerly required to be sent to inspectors on or before March 1st. and Sept. 1st. in each year. For the meaning of "district council" see note to section 2 *ante*. The inspection under subs. (3) is as far as possible made private. Subs. (4) was formerly limited to places from which any work of making wearing apparel for sale was given out.

Employment of person in unwholesome premises.

108.—(1.) *If the district council within whose district is situate a place in* which work is carried on for the purpose of or in connexion with the business of a factory or workshop give notice in writing to the occupier of the factory or workshop, or to any contractor employed by any such occupier, that that place is injurious or dangerous to the health of the persons employed therein, then, if the occupier or contractor after the expiration of one month from receipt of the notice gives out work to be done in that place, and the place is found by the court having cognizance of the case to be so injurious or dangerous, he shall be liable to a fine not exceeding ten pounds.

(2.) This section shall apply in the case of the occupier of any place from which any work is given out as if that place were a workshop.

(3.) This section shall not apply except in the case of persons employed in such classes of work as the Secretary of State may specify by Special Order.

See Appendix for an order made under the similar provision of the Act of 1878, the operation of which is preserved by s. 161 (2) *post.*

Making of wearing apparel where there is scarlet fever or small-pox.

109. If the occupier of a factory or workshop or of any place from which any work is given out, or any contractor employed by any such occupier, causes or allows wearing apparel to be made, cleaned, or repaired, in any dwelling-house or building occupied therewith, whilst any inmate of the dwelling-house is suffering from scarlet fever or small-pox, then, unless he proves that he was not aware of the existence of the illness in the dwelling-house, and could not reasonably have been expected to become aware of it, he shall be liable to a fine not exceeding ten pounds.

Prohibition of home work in places where there is infectious disease.

110.—(1.) *If any inmate of a house is suffering from an infectious disease to which this section applies, the district council of the district in which the house is situate may make an order forbidding any work to which this section applies to be given out to any person living or working in that house, or such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory or workshop, or any*

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other place from which work is given out, or on the contractor employed by any such occupier.

(2.) *The order may be made notwithstanding that the person suffering from an infectious disease may have been removed from the house, and the order shall be made either for a specified time or subject to the condition that the house or part thereof liable to be infected shall be disinfected to the satisfaction of the medical officer of health, or that other reasonable precautions shall be adopted.*

(3.) *In any case of urgency the powers conferred on the district council by this section may be exercised by any two or more members of the council acting on the advice of the medical officer of health.*

(4.) *If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he shall be liable to a fine not exceeding ten pounds.*

(5.) *The infectious diseases to which this section applies are the infectious diseases required to be notified under the law for the time being in force in relation to the notification of infectious diseases, and the work to which this section applies is the making, cleaning, washing, altering, ornamenting, finishing and repairing of wearing apparel and any work incidental thereto, and such other classes of work as may be specified by Special Order of the Secretary of State.*

The infectious diseases which require notification are small-pox, cholera, diphtheria, membranous croup, erysipelas, scarlatina or scarlet fever, and typhus typhoid, enteric relapsing continued or puerperal fever, 52 and 53, Vict., c. 72, s. 6. Local authorities may extend this list, s. 7.

See appendix for an order made under the similar provision of the Act of 1878, the operation of which is preserved by s. 161 (2) *post.*

Application of Act to domestic factories and workshops.

111. The application of this Act to domestic factories and domestic workshops shall be subject to the following provisions:—

For definition of domestic factories and domestic workshops, See s. 115 *post.*

(1.) The regulations with respect to the hours of employment of women, young persons, and children, shall not apply to any such factory or workshop, and in lieu thereof the following regulations shall be observed therein:—

(*a*) A young person or child shall not be employed in the factory or workshop except during the period of employment hereinafter mentioned; and

(*b*) The period of employment for a young person shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon; and

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(*c*) There shall be allowed to every young person for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half; and

(*d*) The period of employment for a child on every day either shall begin at six o'clock in the morning and end at one o'clock in the afternoon, or shall begin at one o'clock in the afternoon and end at eight o'clock in the evening or on Saturday at four o'clock in the afternoon; and for the purpose of the provisions of this Act respecting education such child shall be deemed, according to circumstances, to be employed in a morning or afternoon set; and

(*e*) A child shall not be employed before the hour of one in the afternoon in two successive periods of seven days, nor after that hour in two successive periods of seven days; and a child shall not be employed on Saturday in any week before the hour of one in the afternoon if on any other day in the same week he has been employed before that hour, nor after that hour if on any other day of the same week he has been employed after that hour; and

(*f*) A child shall not be employed continuously for more than five hours without an interval of at least half-an-hour for a meal.

(2.) The requirement as to making certain entries and reports when a woman, young person, or child is employed in pursuance of an exception, shall not apply except so far as may be prescribed from time to time by the Secretary of State.

For this requirement see s. 60 (4) *ante*.

(3.) The provisions of this Act with respect to certificates of fitness for employment shall apply to a domestic factory as if it were a workshop and not a factory.

These provisions are contained in s. 65 *ante*. They are not compulsory.

(4.) The following provisions shall not apply to a domestic factory or to a domestic workshop, namely:—

(*a*) the provisions as to meal hours being simultaneous, and as to the prohibition of employment during meal times;

See s. 33 *ante*.

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(*b*) the provisions as to affixing notices and abstracts, and as to specifying certain matters in notices so affixed;

See s. 128 *post.*

(*c*) the provisions as to holidays;

See s. 36 *ante.*

(*d*) the provisions as to notices of accidents;

See s. 19 *ante.*

(*e*) the provisions as to means of ventilation, the drainage of floors, and thermometers;

See ss. 6, 7 and 8, *ante.*

(*f*) the provisions as to the keeping of a general register.

See s. 129 *post.*

(5.) The provisions of section one of this Act (relating to the sanitary condition of a factory) shall not apply to a domestic factory.

Dangerous processes in domestic factories and workshops.

112. *If any manufacture, process, or description of manual labour, which in pursuance of this Act has been certified by the Secretary of State to be dangerous, is carried on in a domestic factory or workshop, all the provisions of this Act shall apply, as if the place were a factory or workshop other than a domestic factory or workshop.*

Abstracts for domestic factories and workshops.

113. *The Secretary of State shall give notice of the provisions of this Act relating to domestic factories and workshops by the publication of the prescribed abstract or otherwise as he thinks fit.*

Non-application of Act to certain domestic workshops.

114.—(1.) The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour by way of trade or for purposes of gain in or incidental to any of the following handicrafts, namely—

(i) straw plaiting, or

(ii) pillow-lace making, or

(iii) glove making,

shall not of itself constitute the house or room a workshop within the meaning of this Act.

When it is proved to the satisfaction of the Secretary of State that by reason of the light character of the handicraft carried on in any private house or private room by the family dwelling therein, or by any of them, it is expedient to extend the provisions of this subsection to that handicraft, he may by special order extend the same accordingly. Part Two of this Act shall apply, so far as circumstances admit, as if the order were an order extending an exception.

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(2.) The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour for the purposes of gain in or incidental to any of the following purposes, namely,—

(i) the making of any article or of part of any article; or

(ii) the altering, repairing, ornamenting, or finishing of any article; or

(iii) the adapting for sale of any article,

shall not of itself constitute that house or room a workshop, where the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living to the family.

Definitions of "domestic factory" and "domestic workshop."

115.—The expressions "domestic factory" and "domestic workshop" mean a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or a workshop, as the case may be, within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling there.

PART VII.

PARTICULARS OF WORK AND WAGES.

Particulars of work or wages to be given to piece-workers.

116.—(1.) In every textile factory the occupier shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows:—

(*a.*) In the case of weavers in the worsted and woollen, other than the hosiery, trades, the particulars of the rate of wages applicable to the work done by each weaver, shall be furnished to him in writing at the time when the work is given out to him, and shall also be exhibited on a placard not containing any other matter, and posted in a position where it is easily legible;

A conviction for supplying a woollen weaver with a card containing incorrect particulars of the rate of payment, although the weaver might have found out the mistake by counting or applying to the manager, was upheld by the Divisional Court on the ground that it was a question of fact for the Justices, Nussey *v* Birtwhistle (1894), 58 J.P. 735, decided under s. 24 of the Factory and Workshop Act, 1891.

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(*b.*) *In the case of weavers in the cotton trade, the particulars of the rate of wages applicable to the work to be done by each weaver shall be furnished to him in writing at the time when the work is given out to him, and the basis and conditions by which the prices are regulated and fixed shall also be exhibited in each room on a placard not containing any other matter, and posted in a position where it is easily legible:*

This clause in effect re-enacts s. 24 of the Factory and Workshop Act, 1891, which was repealed by the Factory and Workshop Act, 1895.

(*c.*) In the case of every other worker, the particulars of the rate of wages applicable to the work to be done by each worker shall be furnished to him in writing at the time when the work is given out to him; provided that if the same particulars are applicable to the work to be done by each of the workers in one room it shall be sufficient to exhibit them in that room on a placard not containing any other matter, and posted in a position where it is easily legible:

(*d.*) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall (except so far as they are ascertainable by an automatic indicator) be furnished to him in writing at the time when the work is given out to him:

(*e.*) The particulars either as to rate of wages or as to work shall not be expressed by means of symbols:

(*f*) Where an automatic indicator is used for ascertaining work, the indicator shall have marked on its case the number of teeth in each wheel and the diameter of the driving roller, except that in the case of spinning machines with traversing carriages the number of spindles and the length of the stretch in such machines shall be so marked in substitution for the diameter of the driving roller:

(*g*) Where such particulars of the work to be done by each worker as affect the amount of wages payable to him are ascertained by an automatic indicator, and a placard containing the particulars as to the rate of wages is exhibited in each room, in pursuance of an agreement between employers and workmen, and in conformity with the requirements of this section, the exhibition thereof shall be a sufficient compliance with this section.

(2.) If the occupier fails to comply with the requirements of this section, or fraudulently uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, or if any workman fraudulently alters an automatic indicator,

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the occupier or workman, as the case may be, shall be liable for each offence to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction within two years from the last conviction for that offence not less than one pound. Provided that an indicator shall not be deemed false if it complies with the requirements of this section.

(3.) If anyone engaged as a worker in a factory, having received any such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret he shall be liable to a fine not exceeding ten pounds.

The words "or workshop" are omitted after "factory."

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret solicits or procures a person so engaged in a factory to disclose any such particulars, or with that object pays or rewards any such person, or causes any such person to be paid or rewarded for disclosing any such particulars, he shall be liable to a fine not exceeding ten pounds.

(5.) The Secretary of State, on being satisfied by the report of an inspector that the provisions of this section are applicable to any class of non-textile factories, or to any class of workshops, may, if he thinks fit, by Special Order, apply the provisions of this section to any such class, subject to such modifications as may in his opinion be necessary for adapting those provisions to the circumstances of the case. *He may also by any such order apply those provisions, subject to such modifications as may, in his opinion, be necessary for adapting them to the circumstances of the case, to any class of persons of whom lists may be required to be kept under the provisions of this Act relating to outworkers, and to the employers of those persons.*

See appendix for orders made under the similar provision in the Act of 1878, the operation of which is preserved by s. 161 (2) *posts*.

Inspection of weights and measures used in ascertaining wages.

117. Every Act for the time being in force relating to weights and measures shall extend to weights, measures, scales, balances, steelyards, and weighing machines used in a factory or workshop in checking or ascertaining the wages of any person employed therein, in like manner as if they were used in the sale of goods, and as if the factory or workshop were a place where goods are kept for sale, and every such Act shall apply accordingly and every inspector of, or other person authorised to inspect or examine, weights and measures, shall inspect, stamp, mark, search for, and examine the said weights and measures, scales, balances, steelyards, and weighing machines accordingly, and for that purpose shall have the

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same powers and duties as he has in relation to weights, measures, scales, balances, steelyards, and weighing machines, used in the sale of goods.

The principal Acts relating to weights and measures are 41 and 42 Vict., c. 49; 52 and 53 Vict., c. 21; 55 and 56 Vict., c. 18; 56 and 57 Vict., c. 19.

PART VIII.

ADMINISTRATION.

(i.) *Inspection.*

Appointment and duties of inspectors and clerks and servants.

118.—(1.) The Secretary of State, with the approval of the Treasury as to numbers and salaries, may appoint such inpectors (under whatever title he may from time to time fix) and such clerks and servants as he thinks necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may appoint a chief inspector with an office in London, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors, clerks, and servants.

(2.) In the appointment of inspectors of factories in Wales and Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.

(3.) Notice of the appointment of every inspector shall be published in the London Gazette.

(4.) The salaries of the inspectors, clerks, and servants, and the expenses incurred by them or by the Secretary of State in the execution of this Act, shall be paid out of moneys provided by Parliament.

(5.) A person who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory or workshop, shall not act as an inspector.

(6.) An inspector shall not be liable to serve in any parochial or municipal office.

(7.) Such annual report of the proceedings of the inspectors as the Secretary of State directs shall be laid before both Houses of Parliament.

(8.) A reference in this Act to an inspector refers, unless it is otherwise expressed, to an inspector appointed in pursuance

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of this section, and a notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as the Secretary of State directs, by declaration published in the London Gazette or otherwise as he thinks expedient for making the same known to all persons interested.

Powers of inspectors.

119.—(1.) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things; namely,—

(*a.*) To enter, inspect, and examine at all reasonable times, by day and night, a factory and a workshop, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop; and

(*b*). To take with him in either case a constable into a factory or workshop in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty; and

(*c.*) To require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy the same; and

(*d.*) To make such examination and inquiry as may be necessary to ascertain whether the enactments for the time being in force relating to public health and the enactments of this Act are complied with, so far as respects the factory or workshop and the persons employed therein; and

(*e.*) To enter any school in which he has reasonable cause to believe that children employed in a factory or workshop are for the time being educated; and

(*f*) To examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory or workshop, or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the preceeding two months employed in a factory or workshop, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; and

(*g.*) To exercise such other powers as may be necessary for carrying this Act into effect.

(2.) The occupier of every factory and workshop, his agents and servants, shall furnish the means required by an inspector

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as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to that factory or workshop.

(3.) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or conceals or prevents, or attempts to conceal or prevent a woman, young person, or child, from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Act:

Provided that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

(4.) Where an inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding five pounds; and where an inspector is so obstructed in a factory or workshop, other than a domestic factory or a domestic workshop, the occupier of that factory or workshop shall be liable to a fine not exceeding five, or where the offence is committed at night twenty, pounds; and where an inspector is so obstructed in a domestic factory or a domestic workshop, the occupier shall be liable to a fine not exceeding one pound, or where the offence is committed at night five pounds; and in the case of a second or subsequent conviction under this section in relation to a factory within two years from the last conviction for the same offence, a fine not less than one pound shall be imposed for each offence.

Right of inspector to conduct proceedings before magistrates.

120. An inspector, if so authorised in writing under the hand of the Secretary of State, may, although he is not a counsel, or solicitor, or law agent, prosecute, conduct, or defend, before a court of summary jurisdiction or justice, any information, complaint, or other proceeding arising under this Act, or in the discharge of his duty as inspector.

Certificate of appointment of inspectors.

121. Every inspector shall be furnished with the prescribed certificate of his appointment, and on applying for admission to a factory or workshop shall, if so required, produce the said certificate to the occupier.

(ii.) *Certifying Surgeons.*

Appointment and duties of

122.—(1.) Subject to such regulations as may be made by the Secretary of State, an inspector may appoint a sufficient

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number of duly registered medical practitioners to be certifying surgeons for the purposes of this Act, and may revoke any such appointment. certifying surgeons

(2.) Every appointment and revocation of appointment of a certifying surgeon may be annulled by the Secretary of State upon appeal to him for that purpose.

(3.) A surgeon who is the occupier of a factory or workshop, or is directly or indirectly interested therein, or in any process or business carried on therein, or in a patent connected therewith, shall not be a certifying surgeon for that factory or workshop.

(4.) The Secretary of State may make rules for the guidance of certifying surgeons, and for the particulars to be registered respecting their visits, and for the forms of certificates and other documents to be used by them.

(5.) Every certifying surgeon shall, if so directed by the Secretary of State, make any special inquiry and re-examine any young person or child.

(6.) Every certifying surgeon shall in each year make at the prescribed time a report in the prescribed form to the Secretary of State as to the persons inspected during the year and the results of the inspection.

123. Where there is no certifying surgeon for a factory or workshop, the poor law medical officer for the district in which the factory or workshop is situate shall act for the time being as the certifying surgeon for that factory or workshop. When poor law medical officer is to act as certifying surgeon.

124.—(1.) The fees to be paid to a certifying surgeon in respect of the examination of, and grant of certificates of fitness for employment for, young persons and children, shall be regulated as follows:— Fees of certifying surgeons.

(*a.*) The occupier of the factory may agree with the certifying surgeon as to the amount of the fees;

(*b.*) In the absence of agreement the fees shall be in accordance with the scale set forth in Part I. of the Fifth Schedule to this Act, or with such scale as may be substituted therefor by the Secretary of State;

(*c.*) The occupier shall pay the fees on the completion of the examination, or if any certificates are granted, at the time at which the surgeon signs the certificates, or at any other time directed by an inspector;

(2.) The fees to be paid to a certifying surgeon in cases where, in pursuance of a direction of the Secretary of State

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or of regulations made under this Act, he is required to examine the persons employed in a factory or workshop, shall be in accordance with the scale set forth in Part II. of the Fifth Schedule to this Act, or with such scale as may be substituted therefor by the Secretary of State. Such fees shall, where the examination is in pursuance of a direction of the Secretary of State, be paid by the Secretary of State, and where the examination is in pursuance of regulations be paid by the occupier of the factory or workshop.

(3.) The fee to be paid to a certifying surgeon for the investigation of an accident in pursuance of this Act shall be such sum, not more than ten nor less than three shillings, as the Secretary of State may prescribe, and shall be paid by the Secretary of State as expenses incurred in the execution of this Act.

(iii.) *Local Authorities.*

Powers of local authorities and their officers.

125. For the purpose of their duties with respect to workshops and workplaces under this Act, and under the law relating to public health, the *district council* and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking legal proceedings, or otherwise, as an inspector under this Act.

For the powers of inspectors see s. 119, *ante.*

(iv.) *Special Orders.*

Provisions as to special orders of Secretary of State.

126. The following provisions shall apply to such orders made by the Secretary of State in pursuance of this Act as are in this Act referred to as Special Orders:—

(1.) The order shall be under the hand of the Secretary of State and shall be published in such manner as the Secretary of State thinks best adapted for the information of all persons concerned, and shall come into operation at the date of its publication, or at any later date mentioned in the order:

(2.) The order may be temporary or permanent, conditional or unconditional, and whether granting or extending an exception or prohibition, or directing the adoption of any special means or provision, or rescinding a previous order, or effecting any other thing, may do so either wholly or partly:

(3.) The order shall be laid as soon as may be before both Houses of Parliament, and if either House of Parliament, within the next forty days after the order has been so

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laid before that House, resolves that the order ought to be annulled, it shall after the date of that resolution be of no effect, without prejudice to the validity of anything done in the meantime under the order or to the making of a new order:

(4.) The order, while it is in force, shall, so far as is consistent with the tenor thereof, apply as if it formed part of the enactment which provides for the making of the order.

(v.) *Notices, Registers, and Returns.*

Notice of occupation of factory or workshop

127.—(1.) Every person shall, within one month after he begins to occupy a factory or workshop, serve on the inspector for the district a written notice containing the name of the factory or workshop, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the person or firm under which the business of the factory or workshop is to be carried on.

(2.) In the event of a contravention of this section by the occupier of a factory or workshop, he shall be liable to a fine not exceeding five pounds.

(3.) Where an inspector receives notice in pursuance of this section with respect to a workshop, he shall forthwith forward the notice to the *district council* of the district in which the workshop is situate.

Affixing of abstract and notices.

128.—(1.) There shall be affixed at the entrance of every factory and workshop, and in such other parts thereof as an inspector for the time being directs, and be constantly kept so affixed in the prescribed form and in such position as to be easily read by the persons employed in the factory or workshop—

(*a.*) The prescribed abstract of this Act; and

(*b.*) A notice of the name and address of the prescribed inspector; and

(*c.*) A notice of the name and address of the certifying surgeon for the district; and

(*d.*) A notice of the clock (if any) by which the period of employment and times for meals in the factory or workshop are regulated; and

(*e.*) Every notice and document required by this Act to be affixed in the factory or workshop.

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(2.) In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

General registers.

129.—(1.) In every factory and workshop there shall be kept a register, *called the general register*, showing in the prescribed form the prescribed particulars as to—

(*a*) the children and young persons employed in the factory or workshop; and

(*b*) the lime-washing of the factory or workshop; and

(*c*) *every accident occuring in the factory or workshop of which notice is required to be sent to an inspector; and*

(*d*) *every special exception of which the occupier of the factory or workshops avails himself; and*

(*e*) *such other matters as may be prescribed.*

(2.) *Where any entry is required by this Act to be made in the general register, the entry made by the occupier of a factory or workshop or on his behalf shall, as against him, be admissible as prima facie evidence of the facts therein stated, and the failure to make any entry so required with respect to the observance of any provision of this Act shall be admissible as prima facie evidence that that provision has not been observed.*

(3.) *The register shall at all reasonable times be open to inspection by the certifying surgeon of the district.*

It will be noted that great care is necessary in keeping the register in order to avoid manufacturing evidence hostile to the person making it.

(4.) The occupier of a factory or workshop shall send to an inspector such extracts from the general register as the inspector from time to time requires for the execution of his duties under this Act.

(5.) If in any factory or workshop any requirement of this section is not complied with, the occupier shall be liable to a fine not exceeding *five pounds*.

The fine formerly was not exceeding forty shillings.

Periodical return of persons employed.

130.—(1.) The occupier of every factory or workshop shall, on or before *such days as the Secretary of State may direct, at intervals of not less than one nor more than three years*, send to the Chief Inspector of Factories a correct return specifying, with respect *to such day or days, or such period as the Secretary of State may direct*, the number of persons employed in the factory or workshop, with such particulars as to the age, sex, *and occupation*, of the persons employed as the Secretary of State

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may direct, and in default of complying with this section shall be liable to a fine not exceeding ten pounds.

Formerly these returns had to be made on or before the 1st of March in each year.

(2.) *The occupier of any place to which any of the provisions of this Act apply shall, if so required by the Secretary of State, make to the Chief Inspector of Factories a like return as is required to be made by this section, and shall be liable to a like fine for default in compliance with the requirement.*

Registers of workshops.

131. *Every district council shall keep a register of all workshops situate within their district.*

Report of medical officer of health on administration of Act.

132. *The medical officer of health of every district council shall, in his annual report to them, report specifically on the administration of this Act in workshops and workplaces, and he shall send a copy of his annual report, or so much of it as deals with this subject, to the Secretary of State.*

Miscellaneous Provisions.

Notice by medical officer of health of employment of woman, young person or child in workshops.

133. Where any woman, young person, or child is employed in a workshop *in which no abstract of this Act is affixed as by this Act required*, and the medical officer of the *district council* becomes aware thereof, he shall forthwith give written notice thereof to the inspector for the district.

Certificate of birth in case of young persons under 16 and children.

134. Where the age of any young person under the age of sixteen years or child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the employment in labour or elementary education of the young person or child, any person shall on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register, under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of that young person or child; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages.

PART IX.

LEGAL PROCEEDINGS.

Fine for not keeping factory or

135.—(1.) If a factory or workshop is not kept in conformity with this Act, the occupier thereof shall be liable to a

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workshop in conformity with Act.

fine not exceeding ten pounds, and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence.

(2.) The court of summary jurisdiction, in addition to or instead of inflicting a fine, may order certain means to be adopted by the occupier, within the time named in the order, for the purpose of bringing his factory or workshop into conformity with this Act. The court may, on application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day on which the non-compliance continues.

Fines in case of death or injury.

136. If any person is killed, or dies, or suffers any bodily injury or injury to health, in consequence of the occupier of a factory or workshop having neglected to observe any provision of this Act or any regulation made in pursuance of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding one hundred pounds, and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence and the whole or any part of the fine may be applied for the benefit of the injured person or his family, or otherwise as the Secretary of State determines.

Contributory negligence on the part of the person injured sufficient to be a defence to a civil action is no answer to a complaint under this section, Blenkinsop *v.* Ogden. 1898, 1 Q.B. 783 ; 67 L.J.Q.B. 537 : 78 L.T. 554 ; 46 W.R. 542 (decided under s. 82 of the Factory and Workshop Act, 1878. 41 and 42 Vict , c. 16.)

Provided as follows :—

(*a.*) In the case of injury to health the occupier shall not be liable under this section unless the injury was caused directly by the neglect :

(*b.*) *The occupier shall not be liable to fine under this section if an information against him for not observing the provision or regulation to the breach of which the death or injury was attributable, has been heard and dismissed previous to the time when the death or injury was inflicted.*

Fine for employing persons contrary to Act.

137.—(1.) Where any person is employed in a factory or workshop, other than a domestic factory or a domestic workshop, contrary to the provisions of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding three, or if the offence was committed during the night five,

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pounds for each person so employed, and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence; and where any person is so employed in a domestic factory or a domestic workshop the occupier shall be liable to a fine not exceeding one, or if the offence was committed during the night two pounds, for each person so employed, and, in the case of a second or subsequent conviction within two years from the last conviction in relation to a factory for the same offence, not less than one pound for each offence.

For definition of "domestic factory" see s. 115, *ante*.

(2.) If a woman, young person, or child is not allowed times for meals and absence from work as required by this Act, or during any part of the times allowed for meals or absence from work is, in contravention of the provisions of this Act, employed in the factory or workshop, *or allowed to remain in any room*, the woman, young person, or child shall be deemed to be employed contrary to the provisions of this Act.

Under the similar section 83 of the Factory and Workshop Act, 1878, (41 & 42 Vict., c. 16), it was held that a lad employed in a spinning mill who during a meal time oiled spindles contrary to orders and of his own accord was "employed"; Prior *v.* Slaithwaite Spinning Co. Ltd., 1898, 1 Q.B. 881; 67 L.J.Q.B., 615; 78 L.T. 532; 46 W.R. 488; 62 J.P. 358.

Fine for offence by parent.

138.—(1.) If a young person or child is employed in a factory or workshop contrary to the provisions of this Act, the parent of the young person or child shall be liable to a fine not exceeding twenty shillings for each offence, unless it appears to the court that the offence was committed without the consent, connivance, or wilful default, of the parent.

(2.) If the parent of a child neglects to cause the child to attend school in accordance with this Act, he shall be liable to a fine not exceeding twenty shillings for each offence.

Forgery of certificates, false entries and false declarations.

139. If any person—

(*a*) forges or counterfeits any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided); or

(*b*) gives or signs any such certificate knowing the same to be false in any material particular; or

(*c*) knowingly utters or makes use of any certificate so forged, counterfeited, or false as aforesaid; or

(*d*) knowingly utters or makes use of as applying to any person a certificate which does not so apply; or

(*e*) personates any person named in a certificate; or

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(*f*) *falsely pretends to be an inspector; or*

(*g*) wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use, or personating as aforesaid; or

(*h*) wilfully makes a false entry in any register, notice, certificate, or document, required by this Act to be kept or served or sent; or

(*i*) wilfully makes or signs a false declaration under this Act; or

(*j*) knowingly makes use of any such false entry or declaration,

he shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, with or without hard labour.

Fine on person actually committing offence for which occupier is liable.

140. Where an offence for which the occupier of a factory or workshop is liable under this Act to a fine has in fact been committed by some agent, servant, workman, or other person, that agent, servant, workman, or other person, shall be liable to the like fine as if he were the occupier.

Power of occupier to exempt himself from fine on conviction of the actual offender.

141.—(1.) Where the occupier of a factory or workshop is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier of the factory or workshop proves to the satisfaction of the court—

(*a*) that he has used due diligence to enforce the execution of this Act; and

(*b*) that the said other person had committed the offence in question without his knowledge, consent, or connivance,

The employer must produce evidence of this; Prior *v.* Slaithwaite Spinning Co., Ltd., 1878, 1 Q.B. 881; 67 L.J.Q.B. 615; 78 L.T. 532; 46 W.R. 488; 62 J.P. 358 (decided on s. 87 of the Factory and Workshop Act, 1878 (41 and 42 Vict. c. 16)).

that other person shall be summarily convicted of the offence, and the occupier shall be exempt from any fine. The person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

(2.) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence—

(*a*) that the occupier of the factory or workshop has used all due diligence to enforce the execution of this Act; and

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(*b*) by what person the offence has been committed; and

(*c*) that it has been committed without the knowledge, consent, or connivance of the occupier and in contravention of his orders,

the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier of the factory or workshop.

Owner of machine liable in certain cases instead of occupier.

142. Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, is some person other than the occupier of the factory, the owner or hirer shall, so far as respects any offence against this Act committed in relation to a person who is employed in or about or in connexion with that machine or implement, and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory.

The operation of this section was formerly limited to machines, &c., in or about or in connection with which children, young persons or women were employed, see s. 99, of the Factory and Workshop Act, 1878.

Limit to cumulative fines.

143. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Act for the offence, except—

(*a*) where the repetition of the offence occurs after an information has been laid for the previous offence; or

(*b*) where the offence is one of employing two or more persons, contrary to the provisions of this Act.

Prosecution of offences and recovery and application of fines.

144.—(1.) All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, on summary conviction, before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

(2.) A summary order may be made for the purposes of this Act by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

(3.) All fines imposed in pursuance of this Act shall, save as otherwise expressly provided for by this Act, be paid into the Exchequer.

(4.) Where a proceeding is taken before a court of summary jurisdiction with respect to an offence against this Act alleged to be committed in or with reference to a factory or workshop, the occupier of the factory or workshop, and the father, son, or brother of the occupier of the factory or workshop, shall not be qualified to act as a member of the court.

(5.) *A person engaged in, or being an officer of any association of*

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persons engaged in, the same trade or occupation as a person charged with any offence under this Act shall not act as a justice of the peace in hearing and determining the charge.

Every person charged with an offence, and his or her wife or husband, is a competent, but not compellable, witness for the defence, Criminal Evidence Act, 1898 (61 and 62 Vict., c. 36). s. 1.

Appeal to Quarter Sessions.

145. If any person feels aggrieved by a conviction or order made by a court of summary jurisdiction on determining an information or complaint under this Act, he may appeal therefrom to quarter sessions.

Limitation of time and general provisions as to summary proceedings

146. The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act:—

(1.) The information shall be laid within three months after the date at which the offence comes to the knowledge of the inspector for the district within which the offence is charged to have been committed, or, in case of an inquest being held in relation to the offence, then within two months after the conclusion of the inquest, so, however, that it be not laid after the expiration of six months from the commission of the offence:

(2.) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act, without more:

(3.) It shall be sufficient to state the name of the ostensible occupier of the factory or workshop, or the title of the firm by which the occupier employing persons in the factory or workshop is usually known:

(4.) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorised by this Act to appeal shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

Where Justices convicted in fifty cases in which the summons was only served the day before the hearing, and upon the appearance only of a solicitor who professed to represent the parties, without proof of service of the summons, and upon evidence offered in support only of one of the charges, the Court held that the Justices had jurisdiction and that certiorari was taken away by s. 69 of the Factory Act, 1844, 7 and 8 Vict, c. 15; *ex parte* Hopwood (1850), 19 L.J.M.C. 197; 15 Q.B. 121.

Evidence in

147.—(1.) If a person is found in a factory or workshop,

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except at meal times, or while all the machinery of the factory or workshop is stopped, or for the sole purpose of bringing food to the persons employed in the factory or workshop between the hours of four and five o'clock in the afternoon, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory or workshop: summary proceedings

Provided that yards, playgrounds, and places open to the public view, schoolrooms, waiting rooms, and other rooms belonging to the factory or workshop in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory or workshop within the meaning of this enactment; and this enactment shall not apply to a domestic factory or workshop.

(2.) Where a young person or child is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the young person or child is not of that age.

(3.) A declaration in writing by a certifying surgeon for the district that he has personally examined a person employed in a factory or workshop in that district, and believes him to be under the age set forth in the declaration, shall be admissible in evidence of the age of that person.

(4.) A copy of a conviction for an offence against this Act purporting to be certified under the hand of the clerk of the peace having the custody of the conviction to be a true copy shall be receivable as evidence, and every such clerk of the peace shall, on the written request of an inspector and payment of a fee of one shilling, deliver to him a copy of the conviction so certified.

148. Any notice, order, requisition, summons, and document, required or authorised to be served or sent for the purposes of this Act— Service of notices and documents, &c.

(*a*) may be served and sent by post, or by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or (where he is the owner of a factory or workshop) by delivering the same or a true copy thereof to his agent, or (where he is the occupier of a factory or workshop) by delivering the same or a true copy thereof to his agent or to some person in the factory or workshop; and

(*b*) Where it is required to be served on or sent to the occupier of a factory or workshop, shall be deemed to be properly addressed if addressed to the occupier of the

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factory or workshop at the factory or workshop, with the addition of the proper postal address, but without naming the person who is the occupier.

PART X.

SUPPLEMENTARY.

(i.) *Application and Definitions.*

Factories and workshops to which Act applies

149.—(1.) Subject to the provisions of this section, the following expressions have in this Act the meanings hereby assigned to them; that is to say:—

The expression "textile factory" means any premises wherein or within the close or curtilage of which steam, water, or other mechanical power, is used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass cocoa-nut fibre, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof:

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be deemed to be textile factories:

The expression "non-textile factory" means—

(*a*) any works, warehouses, furnaces, mills, foundries, or places named in Part One of the Sixth Schedule to this Act; and

(*b*) any premises or places named in Part Two of the said schedule wherein or within the close or curtilage or precincts of which steam, water, or other mechanical power, is used in aid of the manufacturing process carried on there; and

(*c*) any premises wherein or within the close or curtilage or precincts of which any manual labour is exercised by way of trade or for purposes of gain in or incidental to any of the following purposes, namely—

(i.) the making of any article or of part of any article; or

(ii.) the altering, repairing, ornamenting, or finishing of any article; or

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(iii.) the adapting for sale of any article.

and wherein or within the close or curtilage or precincts of which steam, water, or other mechanical power is used in aid of the manufacturing process carried on there:

Premises used for washing the insides of bottles by a brush driven by a gas engine, the outsides being washed by hand only, and also for bottling beer were held under the similar section 93 of the Factory and Workshop Act, 1878 (41 and 42 Vict., c. 16), not to be a factory because the process was not adapting the beer for sale, and the mechanical means used in washing the bottles were not used to aid any manufacturing process, Law *v.* Graham 1901, 2 K.B. 327; 70 L.J.K.B. 608; 84 L.T. 599; 49 W.R. 622; 65 J.P. 501. Now, however, bottle washing works are non-textile factories, see Schedule VI., Part II. (28).

A farm on which meal is ground by a portable engine for food for the stock is not a factory, Nash *v.* Hollingshead, 1901, 1 Q.B. 700; 70 L.J.K.B. 571; 84 L.T. 483; 49 W.R. 424; 65 J.P. 357.

The expression "factory" means textile factory and non-textile factory, or either of those descriptions of factories:

The expression "tenement factory" means a factory where mechanical power is supplied to different parts of the same building occupied by different persons for the purpose of any manufacturing process or handicraft, in such manner that those parts constitute in law separate factories, and for the purpose of the provisions of this Act with respect to tenement factories all buildings situate within the same close or curtilage shall be treated as one building.

The expression "workshop" means—

(*a*) any premises or places named in Part Two of the Sixth Schedule to this Act, which are not a factory; and

(*b*) any premises, room, or place, not being a factory, in which premises, room, or place, or within the close or curtilage or precincts of which premises, any manual labour is exercised by way of trade or for purposes of gain in or incidental to any of the following purposes, namely—

(i.) the making of any article or of part of any article, or

(ii.) the altering, repairing, ornamenting, or finishing of any article; or

(iii.) the adapting for sale of any article,

and to or over which premises, room, or place the employer of the persons working therein has the right of access or control:

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Where boxes of sweetmeats were prepared for sale in a retail shop after ordinary shop hours, the divisional court held that there was evidence to justify the magistrate in finding that the premises were a workshop within the similar section 93 of the Factory and Workshop Act, 1878 (41 and 42 Vict., c. 16), Fullers, Ltd., *v.* Squire, 1901, 2 K.B. 209 ; 70 L.J.K.B. 689.

The expression "workshop" includes a tenement workshop.

The expression "tenement workshop" means any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a workshop if the persons working therein were in the employment of the owner or occupier.

The Act for the first time contains provisions applying to tenement workshops.

(2.) A part of a factory or workshop may, *with the approval in writing of the chief inspector*, be taken for the purposes of this Act to be a separate factory or workshop.

(3.) A room solely used for the purpose of sleeping therein shall not be deemed to form part of the factory or workshop for the purposes of this Act.

(4.) Where a place situate within the close, curtilage, or precincts forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, that place shall not be deemed to form part of the factory or workshop for the purposes of this Act, but shall, if otherwise it would be a factory or workshop, be deemed to be a separate factory or workshop, and be regulated accordingly.

See London County Council, and Lewis (1900), 69, L.J.Q.B., 277 ; 82 L.T., 195 ; 64 J.P., 39, where the 4th, 5th, and 6th storeys of a building in the City of London were held to constitute 2 factories under the similar section 93 of the Factory and Workshop Act, 1878 (41 & 42 Vict., c. 16).

(5.) A place or premises shall not be excluded from the definition of a factory or workshop by reason only that the place or premises is or are in the open air.

(6.) The exercise by any young person or child in any recognised efficient school, during a portion of the school hours, of any manual labour for the purpose of instructing the young person or child in any art or handicraft shall not be deemed to be an exercise of manual labour for the purpose of gain within the meaning of this Act.

Application to Crown factories and workshops.

150.—(1.) This Act applies to factories and workshops belonging to the Crown ; but in case of any public emergency the Secretary of State may, by order, to the extent and during the period named by him, exempt from this Act any factory or workshop belonging to the Crown, *or any factory or workshop in respect of work which is being done on behalf of the Crown under a contract specified in the order.*

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(2.) *A factory or workshop belonging to or in the occupation of the Crown shall not be excluded from the operation of this Act by reason only that it is not carried on by way of trade or for the purpose of gain.*

(3.) *The powers conferred by this Act on a district council or other local authority shall, in the case of a factory or workshop belonging to or in the occupation of the Crown, be exercised by an inspector under this Act*

Power to treat separate branches as separate factories or workshops.

151. The Secretary of State may by Special Order direct, with respect to any class of factories or workshops, that different branches or departments of work carried on in the same factory or workshop shall, for all or any of the purposes of this Act, be treated as if they were different factories or workshops.

See Appendix for orders made under the similar provision of the Act of 1878, the operation of which is preserved by s. 161 (2) *post.*

Definition of employment and working for hire.

152.—(1.) A woman, young person, or child, who works in a factory or workshop, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein within the meaning of this Act.

(2.) For the purposes of this Act an apprentice shall be deemed to work for hire.

A lad employed in a spinning mill, who during a meal time oiled spindles contrary to orders and of his own accord was held to be "employed" within the meaning of the similar section 94 of the Factory and Workshop Act, 1878 (41 & 42, Vict., c. 16), Prior *v* Slaithwaite Spinning Co. Ltd., 1898, 1 Q.B. 881 ; 67 L.J Q.B. 615 ; 78 L.T. 532 ; 46 W.R. 488 ; 62 J P. 358.

Application of Act to London.

153.—(1.) In the application to the administrative county of London of the section of this Act relating to the means of escape from fire, the London County Council shall take the place of the district council. and their expenses in the execution of that section shall be defrayed *as part of their expenses in the management of the London Building Act*, 1894. 57 & 58 Vict. c. ccxiii.

See s. 14, *ante.*

(2.) *In the application to the administrative county of London of the section of this Act giving power to make byelaws providing for means of escape from fire, the reference to a district council shall be construed as a reference to the London County Council.*

See s. 15, *ante.*

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(3.) *The power of the London County Council under section one hundred and sixty-four of the London Building Act*, 1894, *to make byelaws with respect to the means of escape from fire in buildings exceeding sixty feet in height shall extend to all factories and workshops whether exceeding sixty feet in height or not.*

S. 164 of the London Building Act, 1894 (57 and 58 Vict., c. ccxiii) gives power to the London County Council to make byelaws for the means of escape from fire in buildings over 60 feet high, but the byelaws must not be repugnant to that Act. The London County Council also have power to make byelaws under s. 15 *ante*.

(4.) *Subject as aforesaid, references in this Act to a district council and the district thereof shall, as regards the city of London, be construed as references to the court of common council and the city, and, as regards any other part of the administrative county of London, as references to the council of a metropolitan borough and the metropolitan borough.*

Application of Act to county boroughs.

154. References in this Act to a district council and the district thereof shall be construed as including references to the council of a county borough and the county borough.

Saving for existing powers of district councils.

155. The powers conferred by this Act on district councils shall be in addition to, and not in substitution for, any other powers which they may possess.

General definitions.

156.—(1.) In this Act unless the context otherwise requires,—

38 & 39 Vict. c. 13.

The expression "Bank Holiday" means a holiday under the Holidays Extension Act, 1875.

"Child."

The expression "child" means a person who is under the age of fourteen years, and who has not, being of the age of thirteen years, obtained the certificate of proficiency or attendance at school mentioned in Part III. of this Act:

"Machinery."

The expression "machinery" includes any driving strap or band:

"Mill-gearing."

The expression "mill-gearing" comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley, *or other appliance* by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process:

Night."

The expression "night" means the period between nine o'clock in the evening and six o'clock in the succeeding morning:

"Owner."

The expression "owner" has the meaning given to it by section four of the Public Health Act, 1875.

i.e. the person receiving the rack rents.

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The expression "parent" means a parent or guardian of, or person having the legal custody of, or the control over, or having direct benefit from the wages of, a young person or child: "Parent."

The expression "prescribed" means prescribed for the time being by the Secretary of State: "Prescribed."

The expression "process" includes the use of any locomotive: "Process."

The expression "Special Order" means an order which is subject to the provisions of section one hundred and twenty-six of this Act with regard to Special Orders of the Secretary of State: "Special order."

The expression "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night: "Week."

The expression "woman" means a woman of the age of eighteen years and upwards: "Woman."

The expression "young person" means a person who has ceased to be a child and is under the age of eighteen years: "Young person."

(2.) For the purposes of this Act employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour.

(3.) The factories and workshops named in the Sixth Schedule to this Act are in this Act referred to by the names therein assigned to them.

(4.) References in this Act to regulations made under this Act shall be construed as including references to special rules established or requirements made under any previous Act.

157. The following provisions of this Act shall not apply to men's workshops, that is to say, workshops conducted on the system of not employing any woman, young person, or child therein:— Men's workshops.

(1.) The sections in Part I. relating to temperature, thermometers, means of ventilation, drainage of floors, sanitary conveniences, opening of doors, power to make orders as to dangerous machinery, and inquests;

(2.) Part II. and Part III.;

(3.) The sections in Part IV. relating to fans and to lavatories and meals;

(4.) Part VII.

(5.) The sections of Part VIII. relating to the affixing of

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abstracts and notices, and the keeping of a general register, and the first subsection of the section relating to periodical returns.

Saving for young persons employed in repairs.

158. Nothing in this Act shall extend to any young person being a mechanic, artizan, or labourer, working only in repairing either the machinery in or any part of a factory or workshop.

(ii.) *Application of Act to Scotland and Ireland.*

Application of Act to Scotland.

159. In the application of this Act to Scotland—

(1.) The expression "certified efficient school" means any public or other elementary school under Government inspection:

(2.) The expression "district council" and the expression "district" used with reference to such council mean the local authority under the Public Health (Scotland) Act, 1897, and their district;

60 & 61 Vict. c. 38.

(3.) The expression "medical officer of health" means the medical officer under the Public Health (Scotland) Act, 1897:

(4.) The expression "poor law medical officer" means the medical officer appointed by the parish council:

(5.) The expression "court of summary jurisdiction" means the sheriff of the county:

(6.) The expression "Board of Education" means the Scotch Education Department:

(7). The provisions of this Act relating to certificates of proficiency or of due attendance shall not apply, but a child of the age of thirteen years, who has obtained exemption from the obligation to attend school in the manner prescribed by section three of the Education (Scotland) Act, 1901, shall be deemed to be a young person for the purposes of this Act.

1 Edw. 7 c. 9.

(8.) The expression "county court" means the sheriff court:

(9.) All matters required by this Act to be published in the London Gazette shall, if they relate to Scotland, be published in the Edinburgh Gazette, either in addition or in substitution as the case may require.

(10.) The expression "information" means petition or complaint:

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(11.) The expression "informant" means petitioner, pursue or complainer:

(12.) The expression "defendant" means defender or respondent:

(13.) The expression "clerk of the peace" means sheriff clerk:

(14.) The expression "owner" has the meaning given to it by section three of the Public Health (Scotland) Act, 1897:

(15.) The expression "inspector of nuisances" means sanitary inspector within the meaning of the Public Health (Scotland) Act, 1897:

(16.) The expression "Births and Deaths Registration Acts, 1836 to 1874," means the Acts relating to the registration of births, deaths, and marriages in Scotland:

(17.) The expression "Public Health Act, 1875," means the Public Health (Scotland) Act, 1897, and the Acts amending the same, and references to section ninety-one and sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, shall be construed respectively as references to section sixteen and sections one hundred and eighty-three to one hundred and eighty-seven of the Public Health (Scotland) Act, 1897: 60 & 61 Vict. c. 38.

(18.) The expenses incurred by a local authority under the provisions of this Act with respect to means of escape in case of fire shall be defrayed out of the public health general assessment levied under the Public Health (Scotland) Act, 1897:

(19.) The expression "Local Government Board" means the Local Government Board for Scotland:

(20.) All offences under this Act shall be prosecuted and all penalties under this Act shall be recovered under the provisions of the Summary Jurisdiction (Scotland) Acts at the instance of the procurator fiscal or of any inspector:

(21.) The court may make, and may alter or vary, summary orders under this Act on petition by the procurator fiscal or an inspector presented in common form:

(22.) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified

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in the order or conviction, but not exceeding three months:

(23.) It shall be no objection to the competency of an inspector to give evidence as a witness in any prosecution for offences under this Act, that the prosecution is brought at the instance of that inspector:

(24.) Every person covicted of any offence under this Act shall be liable in the reasonable costs and charges of the conviction:

(25.) All penalties imposed and recovered under this Act shall be paid to the clerk of the court, and by him accounted for and paid to the King's and Lord Treasurer's Remembrancer on behalf of His Majesty's Exchequer, and shall be carried to the Consolidated Fund:

(26.) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriffs:

(27.) The provisions of this Act with respect to appeals to quarter sessions shall not apply, and any person may appeal from any order or conviction under this Act to the Court of Justiciary, under and in terms of the Heritable Jurisdictions (Scotland) Act, 1746, or under any enactment amending that Act, or applying or incorporating its provisions or any of them with regard to appeals, or under and in terms of the Summary Prosecutions Appeal (Scotland) Act, 1875.

20 Geo. 2 c. 43

38 & 39 Vict. c. 62.

Application of Act to Ireland.

160. In the application of this Act to Ireland—

(1.) The expression "certified efficient school" means any national school, or any school recognised by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of this Act:

(2.) The expression "recognised efficient school" means a certified efficient school and any school which is recognised for the time being by an inspector under this Act as giving efficient elementary education:

(3.) In the provisions of this Act relating to certificates of birth the Irish Education Act, 1892, shall be substituted for the Elementary Education Act, 1876, and a school attendance committee shall be substituted for a local authority:

55 & 56 Vict. c. 42.

(4.) In the provisions of this Act relating to payment by

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occupiers of sums for schooling, the Irish Education Act, 1892, shall be substituted for the Elementary Education Act, 1891, and a school grant shall be substituted for a fee grant:

(5.) The expression "medical officer of health" includes a medical superintendent of health:

(6.) The expression "poor law medical officer" means the medical officer of a dispensary district:

(7.) Any act authorised to be done or consent required to be given by, or report required to be made to, the Board of Education under this Act shall be done and given by or to the Lord Lieutenant, acting by and with the advice of the Privy Council in Ireland:

(8.) A court of summary jurisdiction when hearing and determining an information or complaint in any matter arising under this Act shall be constituted within the police district of Dublin metropolis of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of a resident magistrate appointed under the Constabulary (Ireland) Act, 1836, sitting alone, or with others, or of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions: 6 & 7 Will. IV., c. 13.

(9.) Appeals from a court of summary jurisdiction shall lie in accordance with the provisions of the Summary Jurisdiction (Ireland) Acts:

(10.) All fines imposed under this Act shall, save as is otherwise expressly provided by this Act, be applied in the manner directed by the Fines Act (Ireland), 1851, and any Act amending the same: 14 & 15 Vict. c. 90.

(11.) The provisions of section one hundred and seven of the Public Health (Ireland) Act, 1878, with respect to a factory, workshop, or workplace, not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory which is subject to the provisions of this Act with respect to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, or workplace: 41 & 42 Vict. c. 52.

(12.) The Sanitary Acts within the meaning of the Public Health (Ireland) Act, 1878, shall apply to buildings in which persons are employed, whatever their number may be, in like manner, as they apply to buildings where more than twenty persons are employed:

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41 & 42 Vict. c. 52.

(13.) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875, and in particular sections two, one hundred and seven, and two hundred and nineteen to two hundred and twenty-three of the former Act shall be substituted for sections four, ninety-one, and one-hundred and eighty-two to one hundred and eighty-six of the latter Act respectively:

(14.) The expression "the Local Government Board" means the Local Government Board for Ireland:

(15.) The expression "the Births and Deaths Registration Acts, 1836 to 1874," means the Births and Deaths Registration (Ireland) Acts, 1863 to 1880:

(16.) All matters required by this Act to be published in the London Gazette shall, if they relate to Ireland, be published in the Dublin Gazette, either in addition or in substitution as the case may require.

(iii.) *Repeal, &c.*

Repeal of Acts.

161. The Acts specified in the Seventh Schedule to this Act are hereby repealed as from the dates and to the extent in that schedule mentioned;

Provided that—

(1.) All notices affixed in a factory or workshop in pursuance of any enactment hereby repealed shall, so far as they are in accordance with the provisions of this Act, be deemed to have been affixed in pursuance of this Act; and

(2) All orders and all special rules and requirements made or having effect under any enactment hereby repealed shall continue to have effect as if they had been made under this Act; and nothing in this Act shall be construed as altering the mode of making such special rules or requirements whilst the power to make them continues in force; and

(3.) All inspectors, sub-inspectors, certifying surgeons, officers, clerks, and servants, appointed in pursuance of any enactment hereby repealed shall continue in office and shall be subject to removal and have the same powers and duties as if they had been appointed in pursuance of this Act; and

(4.) All certificates of fitness for employment granted in pursuance of any enactment hereby repealed shall have

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effect as if granted in pursuance of this Act, and all registers kept in pursuance of any enactment hereby repealed shall, until otherwise directed by the Secretary of State, be deemed to be the registers required by this Act.

Commencement of Act.

162. This Act shall come into operation on the first day of January one thousand nine hundred and two.

S. 101 (1) was in force from the 17th day of August, 1901, the day of the passing of the Act.

Short title.

163. This Act may be cited as the Factory and Workshop Act, 1901.

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SCHEDULES.

Section 14.

FIRST SCHEDULE.

PROVISIONS AS TO ARBITRATIONS.

(1.) The parties to the arbitration are in this schedule deemed to be the *owner* of the factory or workshop on the one hand and the *district council* on the other hand.

(2.) Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

(3.) No person shall act as arbitrator or umpire who is employed in, or in the management of, or is interested in, the factory or workshop to which the arbitration relates.

(4.)The appointment of an arbitrator must be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and the appointment shall not be revoked without the consent of that party.

(5.) The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this schedule.

(6.) If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

(7.) If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place; and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

(8.) In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.

(9.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as has been appointed

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for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein-after mentioned.

(10.) The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

(11.) If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

(12.) If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

(13.) The decision of every umpire on the matters referred to him shall be final.

(14.) If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

(15.) Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

(16.) The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they think it expedient to consult.

(17.) The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a master of the Supreme Court, or, in Scotland, by the auditor of the Court of Session, and the taxing officer shall, on the written application of either of the parties, ascertain and certify the proper amount thereof. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under this Act. The amount, if any, payable by the occupier of the factory or workshop may in the event of nonpayment be recovered in the same manner as fines under this Act.

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The Secretary of State is no party to the arbitration, nor is the occupier of a factory.

SECOND SCHEDULE.

Section 49. FACTORIES AND WORKSHOPS IN WHICH OVERTIME IS ALLOWED.

(1.) Non-textile factories and workshops and parts thereof where the material which is the subject of the manufacturing process or handicraft is liable to be spoiled by weather; namely—

(*a.*) Flax scutch mills; and

(*b.*) Any factory or workshop or part thereof in which is carried on the making or finishing of bricks or tiles not being ornamental tiles; and

(*c.*) The part of rope works in which is carried on the open-air process; and

(*d.*) The part of bleaching and dyeing works in which is carried on open-air bleaching or Turkey red dying; and

(*e.*) Any factory or workshop or part thereof in which is carried on glue making; and

(2.) Non-textile factories and workshops and parts thereof where press of work arises at certain recurring seasons of the year; namely,—

(*f.*) Letterpress printing works; and

(*g.*) Bookbinding works; and

any factory, workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—

(*h.*) Lithographic printing; or

(*i.*) Machine ruling; or

(*k.*) Firewood cutting; or

(*l.*) Bon-bon and Christmas present making; or

(*m.*) Almanac making; or

(*n.*) Valentine making; or

(*o.*) Envelope making; or

(*p.*) Aërated water making; or

(*q.*) Playing card making; and

(3.) Non-textile factories and workshops and parts thereof where the business is liable to sudden press of orders arising

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from unforeseen events; namely, any factory or workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—

(*r.*) The making up of any article of wearing apparel; or

(*s.*) The making up of furniture hangings; or

(*t.*) Artificial flower making; or

(*u.*) Fancy box-making; or

(*v.*) Biscuit making; or

(*w.*) Job dyeing; and

(4.) Any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.

THIRD SCHEDULE.

REGULATIONS AS TO GRINDING IN TENEMENT FACTORY. Section 88.

(1.) Boards to fence the shafting and pulleys, locally known as drum boards, must be provided and kept in proper repair.

(2.) Hand rails must be fixed over the drums and kept in proper repair.

(3.) Belt guards, locally known as scotchmen, must be provided and kept in proper repair.

(4.) Every floor constructed on or after the first day of January one thousand eight hundred and ninety-six must be so constructed and maintained as to facilitate the removal of slush, and all necessary shoots, pits, and other conveniences must be provided for facilitating such removal.

(5.) Every grinding room or hull established on or after the first day of January one thousand eight hundred and ninety-six must be so constructed that for the purpose of light grinding there shall be a clear space of three feet at least between each pair of troughs, and for the purpose of heavy grinding there shall be a clear space of four feet at least between each pair of troughs and six feet at least in front of each trough.

(6.) The sides of all drums in every grinding room or hull must be closely fenced.

(7.) Except in pursuance of a special exemption granted by the Secretary of State, a grindstone must not be run before any fire-place or in front of another grindstone.

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See appendix for an order made under the similar provisions in the Act of 1878, the operation of which is preserved by s. 161 (2) *ante*.

(8.) A grindstone erected on or after the first day of January one thousand eight hundred and ninety-six must not be run before any door or other entrance.

FOURTH SCHEDULE.

Sections 90-92-96

COTTON CLOTH FACTORIES.

TABLE.

MAXIMUM LIMITS OF HUMIDITY of the ATMOSPHERE at given TEMPERATURES.

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.	IV. Per-centage of Humidity. Saturation=100
1·9	35	33	80
2·0	36	34	82
2·1	37	35	83
2·2	38	36	83
2·3	39	37	84
2·4	40	38	84
2·5	41	39	84
2·6	42	40	85
2·7	43	41	84
2·8	44	42	84
2·9	45	43	85
3·1	46	44	86
3·2	47	45	86
3·3	48	46	86
3·4	49	47	86
3·5	50	48	86
3·6	51	49	86
3·8	52	50	86
3·9	53	51	86
4·1	54	52	86
4·2	55	53	87
4·4	56	54	87
4·5	57	55	87
4·7	58	56	87
4·9	59	57	88

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I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.	IV. Per-centage of Humidity. Saturation = 100.
5·1	60	58	88
5·2	61	59	88
5·4	62	60	88
5·6	63	61	88
5·8	64	62	88
6·0	65	63	88
6·2	66	64	88
6·4	67	65	88
6·6	68	66	88
6·9	69	67	88
7·1	70	68	88
7·1	71	68·5	85·5
7·1	72	69	84
7·4	73	70	84
7·4	74	70·5	81·5
7·65	75	71·5	81·5
7·7	76	72	79
8·0	77	73	79
8·0	78	73·5	77
8·25	79	74·5	77·5
8·55	80	75·5	77·5
8·6	81	76	76
8·65	82	76·5	74
8·85	83	77·5	74
8·9	84	78	72
9·2	85	79	72
9·5	86	80	72
9·55	87	80·5	71
9·9	88	81·5	71
10·25	89	82·5	71
10·3	90	83	69
10·35	91	83·5	68
10·7	92	84·5	68
11·0	93	85·5	68
11·1	94	86	66
11·5	95	87	66
11·8	96	88	66
11·9	97	88·5	65·5
12·0	98	89	64
12·3	99	90	64
12·7	100	91	64

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FORM OF RECORD,

FORM for recording the READINGS of the THERMOMETERS.

Name of Occupier _____

Address of Factory _____

Room { Number or Designation _____
Process carried on _____
Number of Operatives _____
Cubic contents _____ cubic feet.

Date.	READINGS OF THERMOMETERS IN DEGREES FAHRENHEIT.						If no Artificial Humidity is produced in the 24 hours, insert in this column "None."
Year.....	Between 7 and 8 a.m.		Between 10 and 11 a.m.		Between 3 and 4 p.m.		
Month and Day.	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb	
1							
2							
3							
4							
5							
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31							

(Signed)_____
Occupier or Manager.

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FIFTH SCHEDULE.

FEES OF CERTIFYING SURGEONS.

Section 124.

PART I.

FEES on EXAMINATION for CERTIFICATES of FITNESS for EMPLOYMENT.

When the examination is at the factory or workshop	2s. 6d. for each visit, and 6d. for each person after the first five examined at that visit; and also if the factory or workshop is more than one mile from the surgeon's residence, 6d. for each complete half mile over and above the mile.
When the examination is not at the factory or workshop, but at the residence of the surgeon, or at some place appointed by the surgeon for the purpose, and that place as well as the day and hour appointed for the purpose has been published in the prescribed manner.	6d. for each person examined.

PART II.

FEES on EXAMINATION by direction of SECRETARY OF STATE or in pursuance of REGULATIONS under this ACT.

When the number of hands is under	10	- -	2s. 6d. per visit.
" " "	20	- -	3s. "
" " "	30	- -	3s. 6d. "
" " "	50	- -	4s. "
" " "	75	- -	4s. 6d. "
" " "	100	- -	5s. "
" " over	100	- -	7s. 6d. "

With the addition of 1s. for every mile or part of a mile in excess of one mile from the surgeon's residence.

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Sections 54, 149, 156.

SIXTH SCHEDULE.

List of Factories and Workshops.

Part I.

Non-textile Factories.

"Print works." (1.) "Print works," that is to say, any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric not being paper;

"Bleaching and dyeing works." (2.) "Bleaching and dyeing works," that is to say, any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on;

Premises where cloth was measured, cut and folded and made into parcels for export were held to be a factory, Rogers *v* Manchester Packing Co., 1898, I. Q.B. 344; 67 L.J.Q.B. 310; 78 L.T. 17; 46 W.R. 350; 62 J.P. 166 (decided under a similar clause in the Factory and Workshop Act, 1878).

"Earthenware works." (3.) "Earthenware works," that is to say, any place in which persons work for hire in making or assisting in making, finishing, or assisting in finishing, earthenware or china of any description, except bricks and tiles not being ornamental tiles;

"Lucifer-match works." (4.) "Lucifer-match works," that is to say, any place in which persons work for hire in making lucifer matches, or in mixing the chemical materials for making them, or in any process incidental to making lucifer matches, except the cutting of the wood;

"Percussion-cap works." (5.) "Percussion-cap works," that is to say, any place in which persons work for hire in making percussion caps, or in mixing or storing the chemical materials for making them, or in any process incidental to making percussion caps;

"Cartridge works." (6.) "Cartridge works," that is to say, any place in which persons work for hire in making cartridges, or in any process incidental to making cartridges, except the mannfacture of the paper or other material that is used in making the cases of the cartridges;

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(7.) "Paper-staining works," that is to say, any place in which persons work for hire in printing a pattern in colours upon sheets of paper, either by blocks applied by hand, or by rollers worked by steam, water, or other mechanical power; "Paper-staining works."

(8.) "Fustian-cutting works," that is to say, any place in which persons work for hire in fustian cutting; "Fustian-cutting works."

(9.) "Blast furnaces," that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on; "Blast furnaces."

(10.) "Copper mills"; "Copper mills."

(11.) "Iron mills," that is to say, any mill, forge, or other premises, in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel; "Iron mills."

(12.) "Foundries," that is to say, iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on; except any premises or places in which such process is carried on by not more than five persons and as subsidiary to the repair or completion of some other work; "Foundries."

(13.) Metal and india-rubber works," that is to say, any premises in which steam, water, or other mechanical power is used for moving machinery employed in the manufacture of machinery, or in the manufacture of any article of metal not being machinery, or in the manufacture of india-rubber or gutta-percha, or of articles made wholly or partially of india-rubber or gutta-percha; "Metal and india-rubber works."

(14.) "Paper mills," that is to say, any premises in which the manufacture of paper is carried on; "Paper mills."

(15.) "Glass works," that is to say, any premises in which the manufacture of glass is carried on; "Glass works."

(16.) "Tobacco factories," that is to say, any premises in which the manufacture of tobacco is carried on; "Tobacco factories."

(17.) "Letter-press printing works," that is to say, any premises in which the process of letter-press printing is carried on; "Letter-press printing works."

(18.) "Bookbinding works," that is to say, any premises in which the process of bookbinding is carried on; "Bookbinding works."

(19.) "Flax scutch mills"; "Flax scutch mills."

(20.) "*Electrical stations*," *that is to say, any premises or that part of any premises in which electrical energy is generated or trans-* "Electrical stations."

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formed for the purpose of supply by way of trade, or for the lighting of any street, public place, or public building, or of any hotel, or of any railway, mine, or other industrial undertaking.

It is submitted that only those parts of premises in which electrical energy is actually generated and transformed come within this definition, and that transformer boxes in streets are not included.

PART II.

NON-TEXTILE FACTORIES AND WORKSHOPS.

"Hat works."

(21.) "Hat works," that is to say, any premises in which the manufacture of hats or any process incidental to their manufacture is carried on;

"Rope works."

(22.) "Rope works," that is to say, any premises being a ropery, ropewalk, or rope work, in which is carried on the laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and in which machinery moved by steam, water, or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute, or tow, and which has no internal communication with any buildings or premises joining or forming part of a textile factory, except such communication as is necessary for the transmission of power;

"Bakehouses."

(23.) "Bakehouses," that is to say, any places in which are baked bread, biscuits, or confectionery from the baking or selling of which a profit is derived;

"Lace warehouses."

(24.) "Lace warehouses," that is to say, any premises, room, or place not included in bleaching and dyeing works as hereinbefore defined, in which persons are employed upon any manufacturing process or handicraft in relation to lace, subsequent to the making of lace upon a lace machine moved by steam, water, or other mechanical power;

"Shipbuilding yards."

(25.) "Shipbuilding yards," that is to say, any premises in which any ships, boats, or vessels used in navigation, are made, finished, or repaired;

"Quarries."

(26.) "Quarries," that is to say, any place, not being a mine, in which persons work in getting slate, stone, coprolites or other minerals;

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(27.) "Pit-banks," that is to say, any place above ground adjacent to a shaft of a mine, in which place the employment of women is not regulated by the Coal Mines Regulation Act, 1887, or the Metalliferous Mines Regulation Act, 1872, whether such place does or does not form part of the mine within the meaning of those Acts. "Pit-banks." 50 & 51 Vict. c. 58. 35 & 36 Vict. c. 77.

The Coal Mines Regulation Act, 1887 (50 and 51 Vict., c. 56) regulates the employment of women in mines of coal, mines of stratified ironstone, mines of shale and mines of fireclay, see s s. 3 and 7. The Metalliferous Mines Regulation Act, 1872 (35 and 36 Vict., c. 77), prohibits the employment of women in mines of every other description, but does not affect their employment above ground.

(28.) *Dry cleaning, carpet beating, and bottle washing works.*

SEVENTH SCHEDULE.

PART I.

ENACTMENTS REPEALED AS FROM THE COMMENCEMENT OF THIS ACT.

Session and Chapter.	Title of Act.	Extent of Repeal.
41 & 42 Vict. c. 16.	The Factory & Workshop Act, 1878.	The whole Act.
46 & 47 Vict. c. 53.	The Factory & Workshop Act, 1883.	The whole Act.
52 & 53 Vict. c. 62.	The Cotton Cloth Factories Act, 1889.	The whole Act.
54 & 55 Vict. c. 75.	The Factory & Workshop Act, 1891.	The whole Act except sections eight nine, ten, and twelve and the First Schedule.
58 & 59 Vict. c. 37.	The Factory & Workshop Act, 1895.	The whole Act except section twelve, subsection three of section twenty-four, and section twenty eight.
60 & 61 Vict. c. 58.	The Cotton Cloth Factories Act, 1897.	The whole Act.
63 & 64 Vict. c. 27.	The Railway Employment (Prevention of Accidents) Act, 1900	In subsection three of section thirteen the words "factory workshop or" wherever they occur, and the words "the occupier of the factory or workshop or."

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PART II.

ENACTMENTS REPEALED FROM A DATE TO BE FIXED BY ORDER OF THE SECRETARY OF STATE.

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 75.	The Factory & Workshop Act, 1891.	Sections eight, nine, ten, and twelve & the First Schedule.
58 & 59 Vict. c. 37.	The Factory & Workshop Act, 1895.	Section twelve. Subsection three of section twenty four. Section twenty-eight.

The provisions, which are kept alive as long as the Home Secretary chooses are those relating to special rules and requirements as to dangerous employment, &c., and the arbitrations which may be consequent thereon, and those substituting the owner of a tenement factory for the occupier where the Home Secretary directs for the purpose of these rules and requirements.

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APPENDIX.

ORDERS AND SPECIAL RULES.

The following is a list of the special orders in operation on February 20th, 1902, which have been made under the powers given by the Factory and Workshop Acts of 1878, 1891, and 1895, and the new Act, or of the making of which under the new Act 40 days' notice has been given under the Rules Publication Act, 1893, shewing in cases under the former Acts the sections of the new Act which are applicable. The orders under the former Acts are saved by s. 161 (2) of the new Act, but it must be remembered that they are subject to alteration at any time. The orders made are published by authority from time to time and may be obtained from the King's printers.

EDUCATION.

S. 68. Attendance at school is defined as attendance for two hours in the morning or afternoon in secular subjects (December 24th, 1878).

S. 71. The standard of proficiency is the fifth standard, and of previous attendance is 350 attendances in not more than two schools in each year for five years. Where bye-laws by the school authority apply to children between 13 and 14, their conditions must also be satisfied (December 31st, 1900).

SPECIAL EXCEPTIONS.

Limewashing.

S. 1 (4). The following non-textile factories, or part thereof, are exempt from limewashing:—Blast furnaces, copper mills, iron mills, distilleries, breweries, sugar factories, cement works, manure works, stone and marble works, paint colour and varnish works, chemical works, works using alkali, glass factories, flax scutch mills not employing children or young persons and worked intermittently for not more than six months in a year, non-textile factories with no glazed windows, foundries other than brass mixing or brass casting, rooms used for storage, parts subject to steam, parts in which pitch tar or the like are used, parts where unpainted or unvarnished wood is manufactured, parts where metal other than brass is moulded cast or founded, ceilings of slate or iron at least 20 ft. from floor, ceilings of rooms in which are carried on print works, bleach works, dye works, engineering

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and machine shops, agricultural implement making, coach-making, fellmongers, curriers, tanners, aerated water making, preserved fruit sweetmeats bonbon making, engraving, starch soap candle making, corn flour mills, making watch movements, shaving boring turning and fitting of brass (November 16th, 1895); shipbuilding works, gun factories, engineering and machine shops (February 8th, 1896); those parts of electric generating works and those frame dressing rooms of lace factories or lace warehouses in which the number of cubic feet of space bears to the number of persons employed therein at one time a proportion not less than 2,500 to every person (40 days notice of the making of an order to this effect was given on February 13th, 1902).

Ventilation. S. 3 (3) In a workshop or workplace other than a domestic workshop occupied as a sleeping apartment by night there must be 400 cubic feet of space for each person employed instead of 250 (40 days' notice of the making of an order to this effect was given on December 5th, 1901).

S. 7 (2) 600 cubic feet of fresh air per hour for each person are to be the standard of ventilation for humid textile factories, other than cotton cloth factories (February 4th, 1902).

Employment. S. 36. Employment from 9 a.m. to 9 p.m. for young persons and women is allowed in workshops for curing fish (December 20th, 1882), book-binding factories in London (January 12th, 1884), workrooms in connection with drapers' retail establishments in Manchester and Salford (April 13th, 1884), factories and workshops for manufacture of straw hats and bonnets (April 27th, 1887). In all these cases the morning sets for children are to begin at 9 a.m., and the afternoon sets are to end at 8 p.m.

Another day for Saturday. S. 43. Another day is allowed to be substituted for Saturday in non-textile factories for printing newspapers, periodicals, railway time tables, or law or Parliamentary proceedings; non-textile factories and workshops in which a manufacturing process is carried on with a retail shop on the same premises, or in which are carried on the making of wearing apparel or food, or in places in which market day is Saturday, or in which a special day is set apart for a weekly half holiday; and in Cornwall—dressing floors, tin streams, china clay pits, and quarries (December 20th, 1882), also in newspaper printing works (February 3rd, 1902).

Five hours spell. S. 39. A five hours spell is allowed without interval for children, young persons, and women in hosiery factories,

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woollen factories in Oxford Wilts Worcester Gloucester and Somerset, and factories only for winding or throwing raw silk (December 20th, 1882).

S. 45. Different holidays are allowed to different sets in non-textile factories for printing newspapers, periodicals, railway time tables, or law or Parliamentary proceedings, and for making plate glass; and also in non-textile factories and workshops in which any manufacturing process is carried on in connection with a retail shop on the same premises, and for making wearing apparel or food (December 20th, 1882). Different holidays.

S. 40 (4) (*a*) and (b). Different meal times and employment, &c., during meal time, are allowed to children, young persons, and women in textile factories where they commence work later than men and are in distinct departments with no machinery, in non-textile factories and workshops where wearing apparel is made, or where there are two or more departments or sets of young persons, and in Cornwall—in dressing floors, tin streams, china clay pits and quarries (December 20th, 1882); in non-textile factories where bread and biscuits are made by travelling ovens (February 24th, 1887); in factories for spinning artificial silk (July 20th, 1899); and in textile factories where flax, jute, or hemp are used (September 6th, 1899). Different meal times.

S. 40 (4) (*a*). Different meal times are allowed to children, young persons and women in factories and workshops for printing photographs (May 1st, 1896).

S. 49 (3). Two hours overtime are allowed to women on not more than three days in any week, or 30 days in any year, in die-sinking, cardboard making, paper colouring and enamelling, rolling of tea-lead, making gas-holders, boilers, and other apparatus partly in the open air, in non-textile factories where the only processes are calendering, finishing, hooking, lapping or making up and packing of any yarn or cloth, workshops for manufacturing fireworks, and in Cornwall—in dressing floors, tin streams, China clay pits, and quarries (December 20th, 1882, and August 27th, 1884); in non-textile factories and workshops for making pork pies (November 22nd, 1883); in workshops where warping, winding or filling are carried on as incidental to the weaving of ribbons (March 12th, 1884); in bleach works and dye works in Lancashire and Cheshire (April 26th, 1887); in the parts of non-textile factories used for milling, perforating, or gumming Inland Revenue stamps and postal stationery (September 16th, 1889); in non-textile firework factories (October 13th, 1890); in factories and workshop for bottling Overtime.

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beer (September 7th, 1896); for making boxes for aerated water bottles (June 30th, 1897); and for washing bottles for preserving fruit (June 20th, 1899).

S. 50. (3). Two hours overtime are allowed to women on not more than five (now three) days in any week, or sixty (now fifty) days in any year, in non-textile factories for preparing cream and making butter and cheese (August 11th, 1893).

S. 51 (3). Half-an-hour overtime when the process is incomplete is allowed to children, young persons and women in non-textile factories and workshops for baking bread or biscuits, and in Cornwall—in dressing floors, tin streams, china clay pits and quarries (December 20th, 1882).

S. 52. Overtime is allowed to young persons and women to make up time lost by drought or flood in a factory in which water power alone is used to drive the machinery (December 20th, 1882).

Night work. S. 54 (4) Night work is allowed for male young persons over 16 in oil and seed crushing mills, copper and yellow metal rolling mills, iron and metal tube works where furnaces are used, the knocking out and cutting departments of sugar refining factories, galvanising factories, china clay works, iron ore washing works, and in Cornwall—mineral dressing floors used for calcining and stamping (November 16th, 1895).

Grindstones S. 88 and Schedule III. (7). Grindstones may be run in front of bolster stones used by table blade grinders, and humping and shank stones used by scissor grinders (October 25th, 1897).

Special Extensions of Law.

Meals outside factories. S. 78 (4) The provision forbidding children, young persons and women from taking a meal or remaining during meal times in certain factories is extended to the parts of textile factories in which gassing is carried on. of print works, bleaching works, and dyeing works in which singeing is carried on, and the parts of factories or workshops in which are carried on sorting or dusting wool or hair, sorting dusting or grinding rags, fur pulling, grinding glazing or polishing on a wheel, brass casting, typefounding, dipping metal in aquafortis or other acid solution, metal bronzing, majolica painting on earthenware, cleaning and repairing catgut, cutting turning or polishing bone ivory pearl shell or snail shell, manufacturing chemicals or artificial manures or white lead, and to the following if dry powder or dust is used, viz.:—lithographic printing, playing card making, fancy box making, paper staining, almanack making, artificial flower making, paper

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colouring and enamelling, and colour making (March 23rd, 1898).

S. 116 (5). Particulars of piecework wages are made obligatory in factories and workshops where handkerchiefs, aprons, pinafores, and blouses are made (April 22nd, 1897); where iron and steel cables, chains, anchors and grapnels are made (August 10th, 1897); where locks, latches, and keys are made (August 20th, 1897); where felt hats are made (November 30th, 1897); where wholesale tailoring is carried on (August 6th, 1898); in workshops where cotton, wool, hair, silk, flax, hemp, jute, tow, China grass, cocoanut fibre, or similar materials are manufactured (February 1st, 1898); and where pens are made (July 12th, 1900). Particulars of piece-work wages.

SPECIAL PROVISIONS FOR CERTAIN FACTORIES AND WORKSHOPS.

S. 96 (*a*). In factories for spinning merino, cashmere or wool by the "French" or dry process, the table of humidity is modified (December 24th, 1898). Humidity.

DANGEROUS TRADES.

S. 79. The following processes have been declared dangerous and subjected to special rules:—the manufacture of white lead, paints, colours, the extraction of arsenic, and the enamelling of iron plates (May 9th, 1895); the manufacture of lucifer matches unless with red or amorphous phosphorus (June 2nd, 1892); the manufacture of earthenware, of explosives in which di-nitro-benzole is used, chemical works and quarries (December 24th, 1892); the manufacture of red, orange or yellow lead, lead smelting, tinning and enamelling of iron hollow ware, electric accummulator works (Jauuary 2nd, 1894); flax mills and linen factories (January 3rd, 1894); the tinning and enamelling of metal hollow ware and cooking utensils (June 19th, 1894); processes in which yellow chromate of lead is used, or in which goods dyed in it undergo bundling, noddling, winding, reeling, weaving, or any other treatment, (April 9th, 1895); the mixing and casting of brass, gun metal, bell metal, white metal, delta metal, phosphor bronze and manilla mixture (January 1st, 1896); sorting wool, goat hair or camel hair (July 23rd, 1896); bottling aerated water and the processes incidental thereto, including examining and labelling (September 11th, 1896); vulcanizing India rubber by bisulphide of carbon (December 1st, 1896); sorting foreign hides and skins, and dry East Indian hides and skins (April 2nd, 1898); the manufacture and decoration of earthenware and china (May 7th, 1898); the dusting of colours on adhesive surfaces for the purpose of making transfers for use Dangerous trades.

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in the manufacture and decoration of earthenware and china (August 3rd, 1898); glazing bricks with the use of lead (December 17th, 1890); and sorting, willeying, washing, combing and carding wool, goat hair and camel hair (November 28th, 1899).

Out-Work.

Outwork.

S. 107. Lists of outworkers must be kept in the following classes of work:—the making cleaning washing altering ornamenting finishing and repairing of wearing apparel, and any work incidental thereto; the making ornamenting mending and finishing of lace curtains and nets; cabinet and furniture making and upholstery work; the making of electro-plate; the making of files; fur pulling. A form in which the lists are to be kept is also given (December 11th, 1901).

S. 108. A district council may give notice that any place where outwork of the classes above-mentioned is carried on is injurious or dangerous to health, and if an occupier or contractor gives out such work to any such place after the expiration of one month he is liable to a fine not exceeding £10 if the court finds that the place is injurious or dangerous to health (December 11th, 1901).

S. 110. This section, which gives power to prohibit home work where there is infectious disease, is applied to the following classes of work besides the making cleaning washing altering ornamenting finishing and repairing of wearing apparel and any work incidental thereto which are mentioned in the section: the making ornamenting mending and finishing of lace curtains and nets; upholstery work; fur pulling (December 11th, 1901).

Treatment of Branches as Separate Factions.

Branches when separate factories.

S. 151. (1) Certain requirements are made for allowing separate branches to be treated as separate factories for overtime of women (March 27th, 1897). Factories and workshops for book-binding, hat-making, and bonbon and Christmas present making are allowed to be treated as separate for the employment of children, young persons and women under certain conditions (March 27th, 1897); also parts of factories and workshops in which edge tools are manufactured (January 19th, 1899) and parts of factories or workshops in which bright or burnished metal goods are manufactured (September 6th, 1900).

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